

Village of



## Croton-on-Hudson

Engineering Department  
Stanley H. Kellerhouse Municipal Building  
One Van Wyck Street  
Croton-on-Hudson, NY 10520-2501  
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## Zoning Board of Appeals Application (ZBA)

(Form # Eng-§230-160)

(Revised 05 2024)

**Application Date:** 04 / 04 / 2025

**Application #:** 2025061

**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: 79.9 Block: 7 Lot: 29  
Property Location (street address): 16 LEXINGTON DRIVE

**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: LUNTZ First Name: ROBERT MI: \_\_\_\_\_  
Company: RESOLUTION: 4 ARCHITECTURE  
Address: 150 WEST 28TH STREET, SUITE 1902  
Address: NEW YORK, NY 10001  
Phone #: \_\_\_\_\_ Cell #: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Property Owner:** ☐ Same As Above

Last Name: BERNSTEIN First Name: RACHEL MI: \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: 16 LEXINGTON DRIVE  
Address: CROTON-ON-HUDSON, NY 10520  
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 2<sup>nd</sup> 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): § 230-40. Supplementary regs. applicable to residence districts - A & B.

#### **Description of variance requested:**

See attached.

(can use separate paper if necessary)

|                 | Required setbacks: | Proposed Setbacks: | Variance Requested: |
|-----------------|--------------------|--------------------|---------------------|
| Side Yard       | 5                  | 5.5                | NO                  |
| Total Side Yard | N/A                |                    |                     |
| Front Yard      | 25                 | 0                  | YES                 |
| Rear Yard       | 5                  | 140.08'            | NO                  |
|                 |                    |                    |                     |
|                 |                    |                    |                     |
|                 |                    |                    |                     |

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. Neighborhood character unchanged. There is an existing garage in this location already, and there is a precedent of several garages along

this street located at the front property line, built into the hill where the topography is steep.

2. There is not another way to achieve two off-street parking spaces with the existing topography.

3. The area variance is minimal: 5 feet across the 22-foot-wide garage.

4. Given there is an existing garage in this location, the neighborhood impact is not consequential.

5. Difficulty was not created by owner. Home was built in 1918. Steep topography is typical along this side of this street.

(can use separate paper if necessary)

Have any previous area variance applications been made?  
Description of previous variance:

☐ yes ☒ no If so, give date: \_\_\_\_\_

**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?  
Description of previous special permit:

☐ yes ☒ no If so, give date: \_\_\_\_\_

**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:

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(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: \_\_\_\_\_

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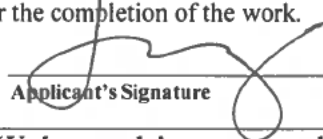
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**Answer Questions (1-5):**

- |                                                                |                                                                     |
|----------------------------------------------------------------|---------------------------------------------------------------------|
| 1. I have submitted required number of copies + documentation. | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |
| 2. Drawings, elevation plans & surveys have been submitted     | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |
| 3. All required application information has been provided      | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |
| 4. Proof of ownership, if applicable, has been provided        | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |
| 5. Digital files of all documentation have been submitted      | <input checked="" type="checkbox"/> yes <input type="checkbox"/> 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.

Robert Luntz  
Applicant's Name (please print)  
Applicant's Signature04/04/2025  
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: 4/2/25 Rec'd by: SL

16 Lexington Drive

### **1. Area Variances**

#### **Description of Variance Requested:**

Proposed project scope includes replacing an existing one-car garage (290 SF) that currently projects past the front property 1.74' with a new two-car garage, proposed to be located at the front property line with a 0-foot-setback. The proposed location of the garage is based on the steep topography at the front of the site (40% slope), the lot's geometry, and position of the existing house (principal building).

The project corrects the existing projection of the garage into the public right-of-way by moving the garage footprint back to the front property line. The project provides two off-street parking spaces as required by zoning regulations; where currently there is only one off-street parking space.

1. Variance requested to locate a garage in the front yard, nearer to the street than the principal building.
2. Variance requested for front yard setback, to locate a garage at the front property line with a 0-foot-setback.

Note, Section 230-40.B includes conditions for a Special Permit that allows for a garage to be built in the front yard, nearer to the street than the principal building, for reasons related to topography or the characteristics of the neighborhood. With a 40% slope along the front property line, this project would qualify to locate the garage not less than five feet from the street line (which is allowed with slopes exceeding 20%). Given the very steep topography on this property, pushing the garage back five feet from the property line is impractical.

This section also allows for the location of garages in the front yard based upon neighborhood characteristics. Along this side of Lexington Drive there are multiple garages built into the hill at the street line, in front of the principal building.