

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: April 1, 2025

Application #: 20250154

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: ~~200~~ 79.13 Block: ~~20~~ 1 Lot: ~~6~~ 71

Property Location (street address): 368 S. Riverside Ave

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):** Mixed Use Retail and 3 Residential units

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: Lippolis **First Name:** Joseph **MI:** M

Company: 368 S Riverside LLC

Address: 133 Grand St Croton, NY

Address: _____

Phone #: _____ **Cell #:** [REDACTED] **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 Please note the application **fee is non-refundable** even in the event the application is withdrawn.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.
- 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.
 - If a recent sale of the property has taken place, please submit proof of ownership.
 - 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.
 - 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.
 - 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.
 - 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.
 - 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.

I. Area Variances

Village Code Section(s): 230-20.3B(3)(a)(27)

Description of variance requested:

See Attached

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard	0.0 FT or 10.0 FT	6.0 Ft Existing	4.0 FT 2nd Story Addition
Total Side Yard			
Front Yard	25 FT	Existing No Change	0.0
Rear Yard	0.0 FT or 10.0 Ft	1.7 Ft Existing	8.3 Ft 2nd Story Addition
Max Height	35 Ft	2nd Story Addition 28 FT	0.0 FT

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:

- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties;
- Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- Whether the requested area variance is substantial;
- Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
- 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:

The structure already exists and is not visible from the street

No other method will provide the benefit sought existing structure is approx 475 sqft and no expansion vertically can be achieved

I do not believe so. The structure exists variance sought is to amend the current variance granted

There is no adverse effect again the structure is existing and hidden from the street views south neighbor has block wall and no windows, North neighbor has no view restrictions

West neighbor is the Wayne st Fire house and East neighbor is 368 S. Riverside

The variance was granted for the existing structure. The amended variance will increase living space from a studio (1) person to one bedroom. (2 people)

(can use separate paper if necessary)

Have any previous area variance applications been made?

☒ yes ☐ no If so, give date: May 2019

Description of previous variance:

Variance was approved. Please see attached Exhibit B

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.

Joseph Lippolis

Applicant's Name (please print)

Applicant's Signature

April 01 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☐ Denied

Fee: \$ 375.00

Date paid: 4/1/25

Rec'd by:

SC

368 S Riverside Ave
Zoning Board of Appeals
Application Addendum

1. Area Variance

Description of variance requested:

An amendment to the variance that was previously issued.

Summary:

The above property was granted a variance by the ZBA, in May of 2021. The reason for the application at that time was to legalize the cottage as residential use. The structure, a converted garage space, built in the 30's or 40's, had been used as a residential unit for 40+ years under several owners.

The cottage current use is that of a studio apartment benefiting one tenant. The request is to construct a second floor on to the existing structure allowing for improved living space and potential increase of tenants from one person to two. The proposed addition will be a one-bedroom unit with small office space. No parking variance will be required as the property has one space currently for the cottage tenant and we are only requesting a one bedroom.

The request is again to amend the existing variances to allow for the second floor. The footprint of the proposed addition will not change which currently exists. The structure is not visible from Riverside Ave. It is behind 368 S Riverside, South neighbor with solid block wall, West neighbor Wayne St Firehouse and open to the North.