



Zoning Board of Appeals **Application (ZBA)**

(Form # Eng-§230-160)

(Revised 05 2024)

Application Date: 5/29/25**Application #:** 2025315**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 CAFOther Involved Agencies: ☐ Village Board ☒ Planning Board ☐ Other: _____**Property Information:** Section: 68.17 Block: 4 Lot: 34

Property Location (street address): 173 Maple Street

Zoning District ☐ RA5 ☐ RA9 ☐ RA25 ☐ RA40 ☒ RB (2 family) ☐ RC Multiple ResidenceLimited Office ☐ O-1 ☐ O-2 ONE FAMILYCommercial ☐ C1 Central ☐ C2 General ☐ Gateway overlayOther ☐ 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: Patino First Name: Rosa MI: _____

Company: _____

Address: 173 Maple St

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 Please note the application **fee is non-refundable** even in the event the application is withdrawn.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

see separate page

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard	<u>8'</u>	<u>5.58'</u>	<u>2.42'</u>
Total Side Yard	<u>20'</u>	<u>14.67'</u>	<u>5.33'</u>
Front Yard	<u>20'</u>	<u>63.12</u>	<u>No</u>
Rear Yard	<u>25'</u>	<u>102</u>	<u>No</u>
Side Yard (cottage)	<u>10'</u>	<u>2'</u>	<u>8'</u>
Rear Yard (cottage)	<u>10'</u>	<u>10'</u>	<u>No</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:

see separate page

(can use separate paper if necessary)

Have any previous area variance applications been made?

☒ yes

no

If so, give date: 6/14/89

Description of previous variance:

June 14th 1989 - Please see attached

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.

Rosa L Patino
Applicant's Name (please print)Rosa Patino
Applicant's Signature6/1/25
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: \$ 375⁰⁰ Date paid: 6/2/25 Rec'd by: sc

173 Maple St

Area Variances

Description of variance requested:

Accessory Cottage: There is an existing garage/shed in the rear of the property currently with a concrete foundation and cellar. The garage is currently approximately 2ft from the side yard. Owner would like to maintain the cellar and a portion of the foundation to be re-utilized for the new ADU. All neighbors have no concern with this and it's requested a variance to maintain the current distance from the side yard. The rear yard is in compliance, so the request is the side yard only.

Five Factors:

1. There is already a garage in this area so it will not change the overall look, however would make the structure look better.
2. Using the existing foundation will assist the owner and can be used.
3. The variance is not substantial since there is an existing structure there.
4. It will not change any physical or environmental conditions of the neighborhood.
5. This was an existing precondition garage. Idea is to reuse the foundation and basement structure.

Primary Residence: The existing house is currently nonconforming with a side yard of 5.58' and combined side yard of 14.67' which is below the min. side yard (8') and combined side yard (20'). The additions shown will not encroach further into the side yards but only side square footage within the front and rear yards which is in compliance with the bulk requirements. The variance is for the preexisting condition.

Five Factors:

1. The additions are within the footprint envelope of the current structure so it won't intrude more to the neighbors.
2. The house is nonconforming so the additions are not creating more of a nonconformance.
3. The variance is not substantial since there is an existing structure there.
4. It will not change any physical or environmental conditions of the neighborhood.
5. This was an existing precondition structure. Idea is to add the additions within the envelope of the overall footprint of the structure and the rear addition doesn't extend past the sides of the structures so it maintains its setbacks.

Teri Oliver, 45 Old Post Road, asked if someone is coming down while someone wants to come into the driveway they will have to stop right at a precarious position right in front of our house. Potential for disaster.

Mr. Dickey stated that he is going to ask Village Engineer to make some comments: 1) drainage situation of the driveway as it impacts on Old Post Road North and should some type of drainage plan be required; 2) any line of site problems in his opinion due to those stone walls. Since on Village property there is a possibility of Village liability there. 3) I would like his comments on the proposed driveway profile, as to its adequacy or inadequacy. We are going to adjourn for one month.

CHARLES MARINO--173 MAPLE STREET--RB TWO-FAMILY, SECTION 43, BLOCK 208, LOT 35--VARIANCE FROM THE REQUIREMENTS OF THE ZONING LAW FOR SIDE YARD SETBACK AND TOTAL MINIMUM SIDE YARDS FOR AN EXISTING DWELLING AND MINIMUM SIDE YARD SETBACK FOR AN EXISTING ACCESSORY BUILDING.

Alan Steiner, representing Charles Marino. Chairman stated the facts: RB District requires one yard of eight and two of twenty. This has 5.51 and 9.06--14.57 is the total. According to applicant, building was built some time between 1931 and when Building Department was established. Accessory building was built then also. Existed for over 50 years. Property was purchased in 1977 and assumed it was prior non-conforming use. Stephens: In order to conform, how much of the house would have to be destroyed? Reply: About six feet. Chairman: What is accessory structure used for? Reply: Storage.

No public comments.

MOTION TO GRANT VARIANCE AS REQUESTED MADE BY REISNER AND
SECONDED BY DICKEY.

VOTE: UNANIMOUS

RESOLUTION: MARINO--SECTION 43, BLOCK 208, LOT 35

Charles Marino has applied to this Board for a variance from the requirements of the Zoning Law for side yard setback and total minimum side yards for an existing dwelling and minimum side yard setback for an existing accessory building. The property at 175 Maple Street is located in a RB-2 Family District and is designated on the Tax Maps of the Village as Section 43, Block 208, Lot 35.

6/2/25

TO: Croton on Hudson ZBA

I, Rosa Patino, give Edward Iamiceli the authority to represent me, the owner, of 173 maple st. for the town meetings.

Sincerely,

Rosa Patino

Rosa Patino

