

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 (Form # Eng-§230-160)

JUN 27 2025

Engineers Office

(Revised 05 2024)

Application Date: 6/27/25

Application #: 00250000 20250269

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: 30 78.08 Block: 2 5 Lot: 2 1

Property Location (street address): 46 Old Post Rd North, Croton on Hudson, NY 10520

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: Carlisle First Name: Joseph MI: H

Company: and Nancy Larsen (Cell #:914-980-7604)

Address: 46 Old Post Rd North, Croton on Hudson, NY 10520

Address: aka 22 Terrace Place, Croton on Hudson, NY 10520

Phone #: [REDACTED] 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:

- 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.
- 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): 230-33

Description of variance requested:

Front yard and side yard setbacks to legalize 1949 addition + 1979 alterations

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard	<u>8</u>	<u>6.25</u>	<u>1.75'</u>
Total Side Yard			
Front Yard	<u>15'</u>	<u>6.71'</u>	<u>8.29'</u>
Rear Yard			

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 see attached answers to the above 5qts. and supporting documents. Thank you.

(can use separate paper if necessary)

Have any previous area variance applications been made?

☒ yes ☐ no

If so, give date:

1-18-1967
8-12-1964

Description of previous variance:

Side yard variance for bathroom 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:

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 H Carlisle and Nancy Larsen

Applicant's Name (please print)

Applicant's Signature

Date

6/27/2025

6/27/2025

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☐ DeniedFee: \$ 0 Date paid: — Rec'd by: SC

June 24, 2025

To the Members of the Croton-on-Hudson Zoning Board of Appeals,

We are in the process of selling our home located at 46 Old Post Road North in Croton-on-Harmon. As part of the required record search review necessary for such sale, it was discovered that there are certain gaps in the documentation underlying the issuance of previous Certificates of Occupancy pertaining to the structure which now need to be rectified in order for the sale to proceed.

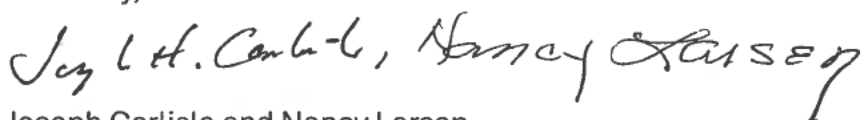
Specifically, it was found that there for a 1949 addition to the residence (see attached permit and plan) as well as a front yard variance to legalize. Further, there is some confusion in the record as to a Certificate of Occupancy and variance granted for an addition in the 1960s. Similarly, it was found that in 1979 a Certificate of Occupancy was granted without a variance concerning some dormers to the structure. It is not known how the various Certificates of Occupancy could have been issued without the necessary variances.

We were caught off guard when we discovered our home of 35 yrs needed a variance. Its footprint has not changed since our purchase in July 1990. In the Village records at that time, there was an in lieu of letter dated May 15, 1990 for a RA-5 one-family residence, along with Certifications of Occupancy. CO #601 was granted July 18th 1967, for "Addition to dwelling in accordance with variance granted by the Zoning Board of Appeals 1/18/1967." CO#2027 was issued June 13 1979, for a second story addition. See attached documents. We are still at a loss to understand why this matter wasn't absorbed into the 1990 in lieu letter, or how a CO for a second-floor addition could have been granted without a variance.

We purchased the property and took occupancy without any knowledge of these shortfalls to the record which we are now seeking to correct since they are delaying sale of the property. Our closing date has needed to be postponed, due to this surprise complication. We are grateful to have your involvement in order that all parties can move forward with the sale as quickly as possible.

Thank you again for your time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joseph Carlisle and Nancy Larsen".

Joseph Carlisle and Nancy Larsen

ZBA_Remarks to Questions on Page 5

1. Any changes to the property caused by the proposed variance would have occurred many years ago and prior to our ownership which began in 1990. As you can see by the accompanying photos, the character of the structure, dating from 1712, has not resulted in any undesirable change and the character of the neighborhood has not been negatively impacted.
2. This question is looking forward whereas the variance sought has already taken place, dating from 76 years ago and making it unfeasible, in fact not possible, for the applicant to pursue any other remedy.
3. In conversation with Ron Wegner of the village engineer's office, the variance sought is not only not substantial but in fact is as it has existed for 76 years.
4. We see no evidence in our thirty-five years of residing in our home of any adverse effect or impact on the physical or environmental conditions in the neighborhood or district. In fact the residence, dating from 1712, has added much to the historical feel of the neighborhood.
5. As stated, the additions sought by the variance were completed long ago, decades prior to our ownership. The variance sought is merely to correct the historical record maintained by the village. We have no connection to the original work which occurred as far back as 1949.

Jay H. Carlberg,
Nancy Larsen