

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

Received Application (ZBA)

JUL 18 2025

(Form # Eng-§230-160)

Engineers Office

(Revised 05 2024)

Application Date: 7/18/25

Application #: 20250357

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: 78.8

Block: 5

Lot: 28

Property Location (street address): 49 Van Wyck 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: Duggan

First Name: Richard

MI: W

Company: _____

Address: 49 Van Wyck Street

Address: Croton on Hudson, Ny 10520

Phone #: _____

Cell #: _____

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 Please note the application **fee is non-refundable** even in the event the application is withdrawn.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 4th Tuesday of the month at 7:00PM (no August meeting).
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): 230-41(E)

Description of variance requested:

Request for an area variance to allow for a single-family residence with an existing accessory apartment with Planning Board approval to have a second accessory dwelling unit (cottage).

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard			
Total Side Yard			
Front Yard			
Rear Yard			
ADU	1 Unit Allowed	2 Units	1 Unit

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 LETTER DATED 18 JULY 2025

(can use separate paper if necessary)

Have any previous area variance applications been made?

☐ yes ☐ no If so, give date:

Description of previous variance:

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.

RICHARD W. SUGGAN III

Applicant's Name (please print)

Applicant's Signature

Date

7/18/2025

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: \$ 375.00Date paid: 6/24/25Rec'd by: SC

Richard W Duggan III
49 Van Wyck Street
Croton-on-Hudson NY 10520
512-461-6358
rwduggan@sdcaustin.com

18 July 2025

To:

Zoning Board of Appeals
Engineering Department
Village of Croton-on-Hudson
One Van Wyck Street
Croton-on-Hudson NY 10520

Subject: Request for Area Variance for a Second ADU at 49 Van Wyck Street

Dear Members of the Zoning Board of Appeals;

Description of the Request:

I am writing to formally request an area variance to permit a second ADU (Accessory Cottage) on the property located at 49 Van Wyck Street, Section 78.02, Block 5, Lot 28, which is currently zoned RA5. An initial ADU (Accessory Apartment), in accordance with Section 230-41 of the Village code, was approved May 20, 2025. Section 230-41 of the Village Code allows for one ADU.

In accordance with local ordinances and in support of the requested ZBA Application, I request that the following be considered:

1) Change in the Character of the Neighborhood

The proposed Accessory Cottage will not alter or impact the essential character of the neighborhood or be detrimental to adjacent and nearby properties. In fact, the proposed ADU will not only help to preserve the unique historic character of the village, but it will also increase available housing in a very restrained market.

2) Benefit to Applicant

The proposed Accessory Cottage will allow the property owner to provide an additional dwelling unit in an existing structure, which was previously the original carriage house.

Without the variance, the property cannot provide this ADU without the construction of an additional structure on the property. The improvement will enhance the property's functionality and value.

3) Substantial Nature of Variance

The proposed area variance is not substantial. The requested variance has no impact on the required property setbacks as an ADU in the existing carriage house structure will not alter current distances from property lines. The variance is the minimum necessary to achieve the applicant's reasonable objectives.

4) Impact on Neighborhood Character

The proposed improvement is consistent with the scale and character of existing homes in the area. The existing Architectural design of the carriage house complements surrounding properties and will be unchanged from its current condition. As the attached survey demonstrates, the subject property is approximately 0.52 acres in and the location of the second ADU is in an existing structure (prior carriage house from the late 1800's) and does not have any negative coastal or environmental impacts. Further, the subject property has ample off-street parking available to the owner and users (up to 8 total).

5) Hardship has not Been Self-Created

The conditions of the property were extant at the time of purchase in June of 2023 and for the 100-plus years prior to that time. The applicant has not created the condition that necessitates the variance.

6) Not Contrary to the Intent of the Zoning Ordinance

The requested variance is consistent with the spirit and intent of the Village of Croton Comprehensive Plan by strengthening the local economy, contributing to the local housing supply, and helping to create a diverse tax base. Further, both the previously approved ADU (589 SF) and the requested ADU (600 SF) fall within the area limitations set out in Section 230-41 of the Village Code. The existing house has approximately 6,225 SF.

Conclusion

The requested area variance meets the statutory criteria for approval. The variance will provide a benefit to the applicant while imposing minimal, if any, detriment to the community. Feasible alternatives do not exist, the variance is not substantial in nature, and it will not adversely impact the neighborhood character. The circumstances necessitating the variance are not self-created but result from the unique characteristics of the property.

The proposed improvement represents reasonable use of the property consistent with the residential character of the neighborhood. Approval of this variance will allow the property owner to make necessary improvements while not impacting the health, safety, and welfare of the community.

Therefore, for the reasons listed above, I respectfully request that the Zoning Board grant a variance to allow an Accessory Cottage on the subject property. I am available to attend any hearings or provide additional information as needed, or if requested, accommodate a site tour for the Board members.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R.W. Duggan III', with a large, stylized flourish extending from the end of the signature.

Richard W Duggan III