

August 1, 2025

Via Personal Delivery

Chairwoman Christine Wagner and Members of the
Zoning Board of Appeals
Village of Croton-on-Hudson
1 Van Wyck Street
Croton-on-Hudson, NY 10520

***Re: Darlene Garrett, as Co-Trustee of the Vito N. Calcutti Sr. and Virginia
Calcutti Irrevocable Trust Agreement
19 Hunter Place, Croton-on-Hudson (78.8-4-27) (RA-5 District)***

Dear Chair and Members of the Board:

Our office represents Darlene Garrett (the “Applicant”), as Co-Trustee¹ of the Vito N. Calcutti Sr. and Virginia Calcutti Irrevocable Trust (the “Trust”) the owner of the real property located at 19 Hunter Place, Croton-on-Hudson (the “Property”), in the RA-5 District. The Applicant is appealing a Notice of Violation Letter, revised July 31, 2025 (the “Violation Letter”) to obtain area variances with respect to certain improvements which have existed since at least 1976. The Applicant does not seek to make any alterations to the Property.

DESCRIPTION OF THE PROPERTY AND VIOLATIONS**A. The Property and Zoning District**

The Property is approximately 5,056 square feet improved with a one-family dwelling. A low retaining wall of four feet or less runs along portions of the boundary line to the Property, including at the rear portion. The Property fronts on the easterly side of Hunter Place, approximately 515 feet south of the intersection with Old Post Road.

Vito N. Calcutti Sr. and Virginia Calcutti, the Applicant’s parents, acquired the Property by Deed, dated October 11, 1967 (recorded Oct. 13, 1967 at Liber 6738 Page 665). The Applicant’s parents transferred title in the Property to the Trust by Deed, dated November 28, 2018 (recorded January 8, 2019 at Control No. 583613259). The Applicant and her brother were raised in the home on the Property, having lived there beginning in the late 1960s, and continuing through the 1970s and 1980s. They have helped maintain the Property from inception through the present date.

¹ Darlene Garrett and her brother, Vito Calcutti, Jr., are Co-Trustees. Both signed an Owner Authorization for this application to be made.

The property cards maintained with the Town of Cortlandt and Village reflect that the one-family dwelling was built before adoption of the original Village Code in 1931. All of these physical conditions existed on the Property prior to 1976. The rear patio and roof structure over the rear patio, and side walkway (which a 2022 survey calls a “patio”) were all added shortly after the Applicant’s parents purchased the Property in 1967. The extension and enclosure to the front porch was complete in 1974 pursuant to a Building Permit, and a Certificate of Occupancy was issued in August 1974. The rear extension to an existing 5ft by 5ft extension (as shown on the property cards) was also completed when the front porch was extended.

The Property is in the RA-5 Zoning District. The current Zoning Code was adopted in 1979 and the current bulk dimensions were amended in 1985. The prior Zoning Code, in effect during the period when the Applicant’s parents purchased the Property and made the improvements, was adopted in 1961. Therefore, the Zoning Code in effect from 1961 to 1979 applies,² except to the extent of the original Property improvements.

The patios, roof structure and extension have remained untouched since their additions approximately fifty years ago. These physical conditions which are the subject of this application include: (1) a rear concrete patio with roof overhand which provides valuable shade and outdoor gathering space for family and friends; (2) a concrete walkway at the southerly side of the Property; (3) an extension to a prior-existing rear extension; and (4) the enclosure and extension of a roofed-over front porch which was done pursuant to the 1974 Building Permit and accepted by the Certificate of Occupancy.

For properties in the RA-5 District for the period of 1961 through 1979, bulk dimensional requirements included a twenty-five foot rear setback and eight foot side yard setback.

B. The Violations Notice and Variances Requested

On July 31, 2025, the Village Engineer issued a revised Notice of Violation, as follows:

1. **Village Code § 230-33A: Enclosure and extension of the roofed-over front porch.** Village Code §230-33A requires that such extensions be at least 15 feet to the front property line and 8 feet to the side property line. The extension/enclosure was permissible under Permit # 1296, dated April 4, 1974 and Certificate of Occupancy #1000 was issued on August 12, 1974, reflecting satisfactory completion. However, the extension/enclosure is reflected on the survey of the Property to be 13.0 to 13.2 feet to the front property line and 4.5 feet to the southerly side property line.
2. **Village Code § 230-40(E)(1): Stone patio encroachment onto adjacent property, and within setback.** The rear stone patio (as shown on the survey) encroaches onto the adjacent properties at 13 Michaels and 15 Michaels Lane. The rear and side patios are

² But for the 1961 Zoning Code, the Property would be legal non-conforming pursuant to Article IX of the Village Zoning Code (“Nonconforming Buildings and Uses”).

less than four feet from the property line (where they appear on the survey to encroach onto adjacent properties).

3. **Village Code § 86-10A and 86-18A: Legalizing Roof Structure.** A Building Permit and Certificate of Occupancy is required for the roof structure over rear patio.
4. **Village Code § 230-33A: Roof structure in proximity to property line.** The roof structure over the rear patio is less than 25 feet from the rear property line.
5. **Village Code § 86-10A, 86-18A, and §230-33A: Rear extension.** The Village and Town property cards show a 5ft by 5ft rear extension. The survey shows a 5ft by 12ft extension reflecting a 7ft expansion (perpendicular to the property line – not encroaching onto adjacent property). The 7ft extension requires a Building Permit and Certificate of Occupancy.

C. Easement Agreements and Court Determination Favorably Resolving the Encroachments

When the Applicant obtained the 2022 survey of the Property, the Applicant learned for the first time that there may be encroachments perceived onto adjacent properties at 13 Michaels Lane, 15 Michaels Lane, and 15 Hunter Place. Consequently, the Applicant undertook to resolve these potential encroachments and any potential disputes with the adjacent property owners. Prior to 2022, no neighbor ever complained about the existence of the patios, roof structure, extension or enclosed front porch on the Property.

In point of fact, a stockade fence runs a parallel course including approximately 15 feet or so from the rear stone retaining wall, which stockade fence or variation has existed for decades. Therefore, it was reasonable to always conclude that the stockade fence constituted the boundary between the Property and rear adjacent properties, with the rear patio and roof structure well within the Property.

With respect to the rear extension, rear patio and roof structure over the rear patio, the Applicant entered into easement agreements with the affected rear property owners which granted to the Trust, its successors and assignees, permanent easements to continue to exclusively use and maintain encroachments on the adjacent properties. The areas covered under the easements include the entire area of the stone retaining wall, rear patio and roof overhang, and as to 13 Michaels Lane, an additional area of approximately seven feet continuing beyond the stone retaining wall onto that property. The easement areas are described in each of the recorded agreements.

As to the concrete patio (or more correctly, walkway) at the southerly boundary line adjacent to 15 Hunter Place, the Applicant was compelled to pursue an action in the Westchester County Supreme Court for a determination of ownership by adverse possession over an area of approximately 293 square feet, existing on the southerly side of the common boundary line between 15 Hunter and the Property. By Order and Judgment, entered on April 1, 2025, the

Westchester County Supreme Court declared that the Applicant and her brother, as Co-Trustees of the Trust, are declared absolute fee owners by adverse possession over that portion of land.

Based upon the foregoing easement agreements and judicial declaration, the rear patio and roof structure, and side patio (more correctly a walkway) are no longer impermissible encroachments onto the adjacent properties.

REQUEST FOR AREA VARIANCES

The Applicant respectfully requests that your Board grant area variances addressing each of the violations issued in the Violations Letter, so as to legalize each of the improvements which underly those violations. The improvements that have existed on the Property for decades are reasonably necessary for the use and enjoyment of the Property, are no longer encroachments giving rise to claims by adjacent property owners where the Applicant secured rights of exclusive use and enjoyment through easement agreements or a judicial declaration of ownership, and where the improvements have no adverse effect.

In considering an area variances application, this Board should engage in a balancing test, weighing the benefit to the Applicant against the “detriment to the health, safety and welfare of the neighborhood or community” if the area variances were not granted. *Matter of Sasso v. Osgood*, 86 NY2d 374 (1995). This Board’s decision only needs to be rational, and not illegal, arbitrary and capricious, or an abuse of discretion. *Matter of 278 LLC v. Zoning Bd. of Appeals of the Town of E. Hampton*, 159 AD3d 891 (2d Dep’t 2018).

A five factor test is applied when considering an area variance, as follows:

1. Will there be an undesirable change in the character of the neighborhood or detriment to nearby properties?
2. Can the benefit sought by the Applicant be achieved by any feasible method other than the requested area variances?
3. Is the requested area variance substantial?
4. Will the variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
5. Is the difficulty the Applicant suffers self-created, although a self-created hardship does not necessarily preclude the application?

In considering these five factors, this Board may impose conditions to a variance to "preserve the peace, comfort, enjoyment, health or safety of the surrounding area," but such "conditions must be reasonable." *Baker v. Brownlie*, 270 A.D.2d 484 (2d Dept 2000) (annulling variance conditions that "effectively preclude" the applicant from achieving the proposed development and benefit sought).

A. The variances will not create an undesirable change in the character of the neighborhood or be a detriment to nearby properties.

To determine if the requested variances would produce an undesirable change or impact in the neighborhood, this Board "should look to the development patterns in the community. Where the requested variance is consistent with the prevailing pattern of development, this factor favors the granting of the variance." 2 N.Y. Zoning Law & Prac. § 29:13, *citing Raubrogel v. Zoning Bd. of Appeals of Brookville*, N.Y.L.J. Dec. 27, 1995, p. 33, Col. 2 (Sup. Ct. Nassau Cnty. 1995); *Nowak v. Town of Southampton*, 174 A.D.3d 901 (2d Dept 2019), *leave to appeal denied*, 34 N.Y.3d 908 (2020) (area variance to allow zero feet of road frontage did not produce an undesirable change in the character of the neighborhood).

The Applicant does not propose any changes to the Property. The rear patio and roof overhang, side patio (i.e., walkway) and rear extension have existed for several decades. The adjacent property owners at 13 Michaels Lane and 15 Michaels Lane have entered into easement agreements giving the Applicant full, exclusive and permanent right of use and enjoyment of the improvements at these adjacent properties. Moreover, a judicial declaration gives the Applicant ownership over the entire area constituting the concrete walkway at the southerly side. The partial extension to the prior-existing extension at the rear of the Property similarly does not have any adverse impact given its location and decades of existence

B. The benefit sought by the Applicant cannot be achieved by any feasible method other than the requested area variances.

Even if this Board considers the request for area variances to be extensive (which they are not), the variances are reasonably necessary for the Applicant to achieve the benefits of use and enjoyment of the Property. Among other things, the odd size and configuration of the Property, with the prior-existing dwelling constructed at the boundary lines leaving little to no room for rear and side yard enjoyment, supports issuance of the area variances. *Beekman Delameter Properties LLC v. Vill. of Rhinebeck Zoning Bd. of Appeals*, 150 A.D.3d 1099 (2d Dept 2017)(affirming setback variance due to configuration of lot).

The rear portion of the Property is noteworthy. As shown on the Survey, the northeasterly corner of the dwelling is only 3.7 feet from the easterly boundary line. On the south side, the dwelling is 4.6 feet and 5.0, respectively, at the southwesterly and southeasterly corners from the boundary line. While there is wider space on the northerly side of the Property, that area functions as a driveway and elevated slope toward the northerly boundary line. There is simply no place to have an enjoyable patio adjacent to the dwelling except at the rear of the property.

C. The requested variances are not substantial

The area variances requested are not substantial where, among other reasons, the improvements requiring the variances have existed at the Property for decades, and are minor in

scope. However, even if this Board initially considers the requested area variances to be "substantial" (e.g., where the Applicant seeks variances for a zero side yard and rear setback), this Board should take all the relevant circumstances into account and determine that the request is not substantial. Rather, the area variances sought are consistent with the conditions of the Property and the neighborhood at large.

Simple percentages are not enough to evaluate the merits of an area variance application. Rather, those calculations should be considered within the context of the Property's actual impact on the surrounding community. *Wambold v. Southampton Zoning Bd. of Appeals*, 2016 N.Y. Slip Op. 04424, 2016 WL 3177020 (2d Dept 2016). Indeed, percentage of deviation is not an accurate indicator of the whether granting the variances would have an adverse impact because "a small deviation can have a substantial impact or a large deviation can have little or no impact depending on the circumstances of the variance application." *Aydelott v. Town of Bedford Zoning Bd. of Appeals*, 6/25/2003 N.Y.L.J. 21 (col. 4) (Sup Ct. Westchester Cty. 2003). See also *Cacsire v. City of White Plains ZBA*, 930 N.Y.S.2d 54 (2d Dept 2011) (granting six area variances which were substantial but lacking any evidence showing the variances would have an undesirable effect on the character of the neighborhood, adversely impact physical and environmental conditions, or result in a detriment to the health, safety, and welfare of the neighborhood or community").

Here, despite the unusual dimension and layout of the Property, with limited exterior usable space at the rear and southerly side, the Applicant and her family have made and enjoyed the subject improvements in a way that makes these improvements seamless to the Property. By all accounts, these improvements are hardly extraordinary, but in fact, blend naturally with the existing dwelling. By any objective measure, the variances requested are not substantial considering the layout of the Property.

**D. The variances will not have an adverse effect or impact
on the physical or environmental conditions in the neighborhood or district.**

The Applicant submits that the requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Each of the improvements which the Applicant wants to legalize so as to remove the violations have existed on the Property for decades. Any adverse impact by reason of "encroachments" at the rear and side yard have been negated by the recorded easement agreements affecting 13 Michaels Lane and 15 Michaels Lane, and the judgment of ownership by adverse possession affecting 15 Hunter Place.

Moreover, because the Property is a single-family dwelling, the application does not require any Environmental Assessment Form (EAF) or review under the State Environmental Quality Review Act ("SEQRA"). ECL §§ 8-0101, 8-0109(2); 6 NYCRR 617.2. The application is for a Type II action under SEQRA.

**E. The hardship is not self-created, but even if it was,
does not preclude the area variances**

The dimensions and layout of the Property are unusual in that the proximity of the improved dwelling to the rear and side boundary lines do not make the existence of a patio feasible without that patio being within the setback. According to the property card maintained with the Town of Cortland, the home was constructed before the adoption of the Zoning Code in 1931. The rear and side patio, and roof overhang, were constructed sometime between 1961 (when the Applicant's parents' purchased the Property) and 1976 (as shown on the photograph being provided to your Board). Therefore, all of the additional improvements were made shortly after the Applicant's parents purchased the Property in 1967.

The Property is also a victim of the 25 foot rear setback in the RA-5 District. If applied strictly, this would mean a significant portion of the dwelling itself, which was constructed prior to the original 1931 Code, would be within the setback.

However, even if this Board were to consider the hardship to be self-created, this one factor should not be dispositive. *Peccoraro v. Humenik*, 258 A.D.2d 465 (2d Dept 1999)(self-created hardship is not determinative when considering area variance) citing *Sasso v. Osgood*, 86 N.Y.2d 374 (1995).

THE APPLICATION SUBMISSION

The Applicant is providing the following as part of the variances application package:

1. Application Form
2. Notarized Owner Authorization
3. Village Engineer Violations Letter, Rev. July 31, 2025
4. Survey
5. Ariel Tax Map
6. Photographs of Property
7. Recorded Easement Agreement for 13 Michaels Lane
8. Recorded Easement Agreement for 15 Michaels Lane
9. Recorded Order and Judgment affecting 15 Hunter Place
10. Town Property Card
11. Village Property Card
12. 1961 Zoning Map
13. 1961 Zoning Ordinance (double-sided)

CONCLUSION

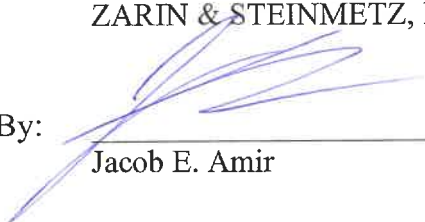
The Applicant respectfully request that your Board grant area variances as requested above so that the Property, being legalized and removing the violations of record, may continue to be maintained and enjoyed in the same manner that it has been for at least fifty years.

We look forward to presenting this application before your Board on August 26, 2025.

Respectfully submitted,

ZARIN & STEINMETZ, LLP

By:



Jacob E. Amir

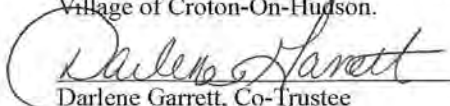
Cc:
Daniel O'Connor
Joshua Stubin
Darlene Garrett
Vito Calcutti Jr.

OWNER AUTHORIZATION

The Vito N. Calcutti Sr., and Virginia Calcutti Irrevocable Trust (the "Trust"), is the owner of the property located at 19 Hunter Place, SBL 78.8-4-27 (the "Property") in the Village of Croton-On-Hudson, New York. The Property was transferred into the Trust by Deed, dated November 28, 2018 from Vito N. Calcutti, Sr. and Virginia Calcutti, which Deed was recorded with the Westchester County Clerk on January 8, 2019 at Control No. 583613259.

By Trust Agreement made by the Trust, dated November 28, 2018, Darlene Garrett and Vito N. Calcutti, Jr. are Co-Trustees of the Trust, and are authorized under the Trust Agreement to take all action with respect to the maintenance, use and transfer of the Property.

The Trustees below authorize Jacob Amir, Esq. and the law firm of Zarin & Steinmetz LLP to apply/and appear on the Trusts behalf for any/all zoning/planning applications to the Village of Croton-On-Hudson.

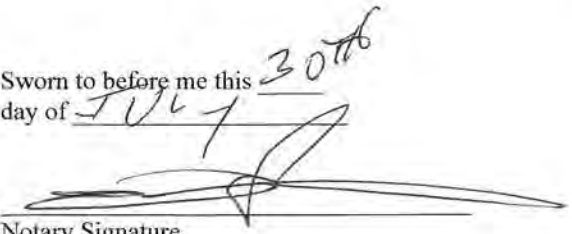


Darlene Garrett, Co-Trustee



Vito Calcutti, Jr., Co-Trustee

Sworn to before me this 30th
day of July



Notary Signature

Kimberly Anne Smith
Notary Public, State of New York
Qualified in Westchester County
No. 01SM5030892
Commission Expires 7/25 2025



ENGINEERS OFFICE
Stanley H. Kellerhouse Municipal Building
One Van Wyck Street
Croton-on-Hudson, NY 10520.2501

Mayor
Brian Pugh
Trustees
Maria F Slippen
Cara Politi
Nora Moriarty Nicholson
Len Simon
Manager
Bryan Healy
Treasurer
Genette Toone
Engineer/Building Inspector
Daniel F O'Connor, P.E.
Asst. Engineer/Asst. Building Inspector
Ronald Wegner, P.E.
Fire Inspector
James Ferguson

July 31, 2025

To Whom It May Concern:

RE: 19 Hunter Place-REVISED
Tax Map # 78.8-4-27
Formerly 37-216-2

Please be advised that the original improvements to above captioned premises is shown on the 1935 Sanborn Maps (enclosed) and on the 1933-1935 tax maps. Also, on September 8th 1967 the building inspector at that time issued a letter (attached) stating that the house was constructed prior to the adoption of building and zoning regulations in the Village of Croton-on-Hudson (July 28, 1931). Therefore, any non-conformities of the original improvements with respect to current bulk and parking regulations are to be considered legally non-conforming.

Certificate of Occupancy #1000 dated August 12, 1974 was issued for an enclosure and extension of an existing roofed-over front porch pursuant to Building Permit #1296 dated April 4, 1974. The right and left extensions are less than 15 feet to the front property line and the right extension is less than 8 feet to the side property line which is a violation of Section 230-33A of Village Zoning Code.

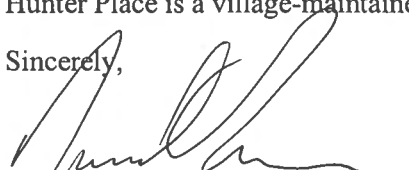
A survey dated May 10, 2022 was prepared by Bady & Watson Surveying & Engineering DPC of Cold Spring, New York. The survey shows an encroachment of a stone patio onto the neighboring property located at 15 Michaels Lane. This is in violation of Village Zoning Code Section 230-40E(1).

There is no building permit or certificate of occupancy for the roof structure over the rear patio which is in violation of Sections 86-10A and 86-18A of Village Code. Furthermore, the patios are less than four feet from the property line which is in violation of Section 230-40E(1) of Village Code. The roof structure is also in violation of Section 230-33A of Village Code being less than 25 feet to the rear property line.

The property cards (Village & Town) show a 5ft-by-5ft rear extension on the house. The 2022 survey shows the rear extension to be 5ft-by-12ft indicating a 7ft extension was made after 1967. There is no building permit or certificate of occupancy for the 7ft extension which is in violation of Sections 86-10A and 86-18A of Village Code. The 7ft extension is also in violation of Section 230-33A of Village Code being less than 25 feet to the rear property line.

Be further advised that the existing 1-family use is a permitted use in the RA-5 District in which it is located. Hunter Place is a village-maintained street. There are violations of record as noted above.

Sincerely,


Daniel O'Connor, P.E.
Village Engineer

sc

T.M. : 78.8-4-27

Closed by JMR/GJM On 05-20-2022

Drawn by MEY

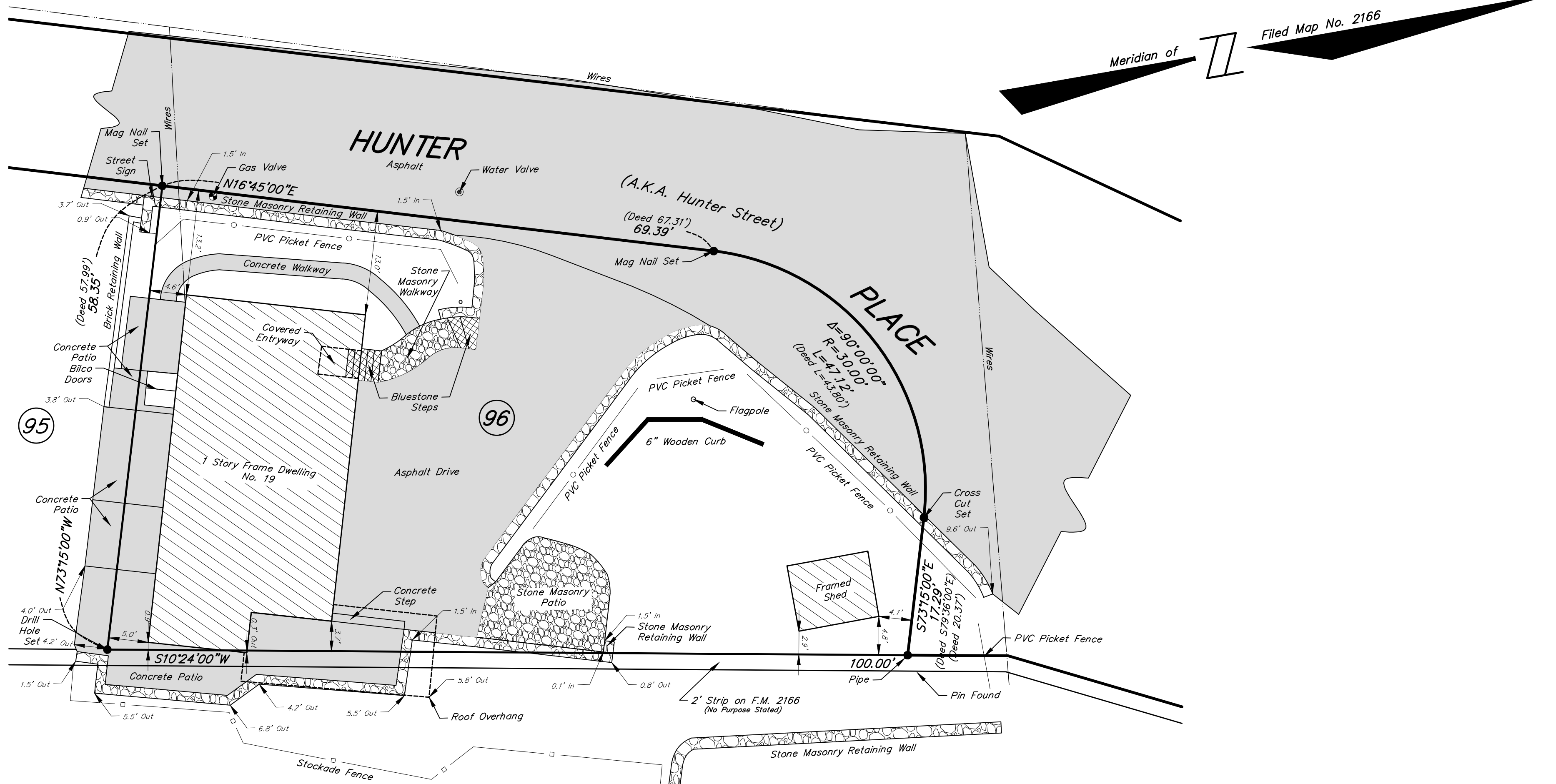
Spell checked by MEY

Checked by MEY

W.O. No. 26309

Layout: Survey

Drawing Name: LS26309_R01_V17



Now or Formerly J. A. Rosen

Area = 5,056 Sq. Ft.

This map was prepared for the exclusive use of and is certified only to:
VIRGINIA CALCUTTI IRREVOCABLE TRUST
VIRGINIA CALCUTTI

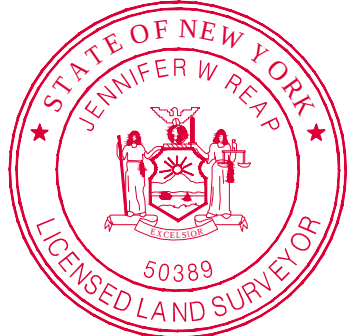


3063 Route 9
Cold Spring, NY 10516
www.Badey-Watson.com
845.265.9217
877. 3.141593 (Toll Free)

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 3. All certifications are valid for this map and copies thereof only if said map or copies bear the embossed seal of the surveyor whose signature appears hereon.
 4. If underground improvements, easements, or encroachments exist and are neither visible during normal field survey operations nor described in instruments provided to these surveyors, they may not be shown on this map.
 5. This property may be affected by instruments which have not been provided to these surveyors. Users of this map should verify title with their attorney or a qualified title examiner.
 6. The premises hereon is Lot 96 as shown on that certain "Map of Building Lots... Leslie R Palmer..." which was filed in the Westchester County Clerk's office on December 4, 1917 as Map No. 2166.

SURVEY OF PROPERTY
PREPARED FOR
VIRGINIA CALCUTTI
SITUATE IN THE
VILLAGE of CROTON-ON-HUDSON
TOWN of CORTLANDT
WESTCHESTER COUNTY
NEW YORK
SCALE 1 in. = 10 ft. MAY 10, 2022

We hereby certify that the survey shown hereon was completed by us on May 10, 2022 that this map was completed on May 20, 2022 and that this survey has been prepared in accordance with the existing Code of Practice for Land Surveys adopted by The New York State Association of Professional Land Surveyors, Inc.



BADEY & WATSON
Surveying & Engineering, D.P.C.
NEW YORK STATE LICENSED LAND SURVEYOR
LICENSE No. 50389

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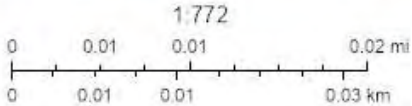
May 20, 2022

BADEY & WATSON
Surveying & Engineering, D.P.C.

Cortlandt



7/31/2025, 3:51:17 PM

















☆☆☆☆ AUG., 1976
 Subject Darlene & Buttons

1976

Location _____

U.S. Patent No. 3,875,801

Kodak

paper and equipment used
to produce this picture.

☆☆☆☆ AUG., 1976

Subject Darlene 1976

Location _____

U.S. Patent No. 3,875,801

Kodak

paper and equipment used
to produce this picture.



1986

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



650443294DAG0011

Westchester County Recording & Endorsement Page

Submitter Information

Name: All New York Title Agency (PICK UP BY JAMES KAM) Phone: 914-686-5600
Address 1: 222 Bloomingdale Road Fax: 914-686-1440
Address 2: Suite 306 Email: allnytrecordings@allnyt.com
City/State/Zip: White Plains NY 10605 Reference for Submitter: ACRS-50152^

Document Details

Control Number: **650443294** Document Type: **Deed Agreement (DAG)**
Package ID: 2025021300142001002 Document Page Count: **8** Total Page Count: **11**

Parties

☒ Additional Parties on Continuation page

1st PARTY
1: VITO N CALCUTTI SR & VIRGINIA CALCUTTI TRUST - Other
2: GARRETT DARLENE - Individual
2nd PARTY
1: GIBBONS MARK - Individual
2: GIBBONS SAMANTHA - Individual

Property

☒ Additional Properties on Continuation page

Street Address: 19 HUNTER PLACE Tax Designation: 78.8-4-27
City/Town: CORTLANDT Village: CROTON-ON-HUDSON

Cross-References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

Supporting Documents

1: TP-584

Recording Fees

Statutory Recording Fee: \$40.00
Page Fee: \$45.00
Cross-Reference Fee: \$0.00
Mortgage Affidavit Filing Fee: \$0.00
RP-5217 Filing Fee: \$0.00
TP-584 Filing Fee: \$5.00
RPL 291 Notice Fee: \$0.00
Total Recording Fees Paid: **\$90.00**

Transfer Taxes

Consideration: \$0.00
Transfer Tax: \$0.00
Mansion Tax: \$0.00
Transfer Tax Number: 17458

Mortgage Taxes

Document Date:
Mortgage Amount:

Basic: \$0.00
Westchester: \$0.00
Additional: \$0.00
MTA: \$0.00
Special: \$0.00
Yonkers: \$0.00
Total Mortgage Tax: **\$0.00**

Dwelling Type: Exempt: ☐
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 03/10/2025 at 02:52 PM
Control Number: **650443294**
Witness my hand and official seal

Timothy C. Idoni

Timothy C. Idoni
Westchester County Clerk

Record and Return To

☐ Pick-up at County Clerk's office

Jacob Amir, Esq.
Zarin & Steinmentz
81 Main St, Suite 415
White Plains, NY 10601

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650443294DAG0011

Westchester County Recording & Endorsement Page

Document Details

Control Number: **650443294**

Document Type: **Deed Agreement (DAG)**

Package ID: 2025021300142001002

Document Page Count: 8

Total Page Count: 11

1st PARTY Addendum

2nd PARTY Addendum

CALCUTTI VITO Jr

Individual

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Westchester County Recording & Endorsement Page

Document Details

Control Number: **650443294**

Document Type: **Deed Agreement (DAG)**

Package ID: 2025021300142001002

Document Page Count: 8

Total Page Count: 11

Properties Addendum

13 MICHAELS LANE 10520

CORTLANDT

CROTON-ON-HUDSON 78.8 4 29

8

BOUNDARY LINE AND EASEMENT AGREEMENT

This Boundary Line and Easement Agreement ("Agreement") is made this ^{45 of C} 17 day of February, 2025, by, between and among **Darlene Garrett and Vito Calcutti, Jr. as Co-Trustee of the Vito N. Calcutti Sr. and Virginia Calcutti Trust** ("Calcutti"), having an address at 19 Hunter Place, Croton-on-Hudson, New York, and **Mark Gibbons and Samantha Gibbons** ("Gibbons"), residing at 13 Michaels Lane, Croton-on-Hudson, New York.

WITNESSETH:

WHEREAS, Calcutti are the record and lawful owners of the real property located at 19 Hunter Place (the "Calcutti Property"), also designated tax lot 78.8-4-27, and which metes and bounds description of the Calcutti Property is set forth in the Deed, dated November 29, 2018 and recorded on January 8, 2019 at Control No. 583613259, (hereinafter, "Parcel A"), conveying title in the Calcutti Property to Calcutti; and

WHEREAS, Gibbons are the record and lawful owners of the real property located at 13 Michaels Lane (the "Gibbons Property"), also designated tax lot 78.8-4-29, and which metes and bounds description of the Gibbons Property is set forth in the last Deed, dated December 1, 2003 and recorded on June 21, 2004 at Control No. 441381028, (hereinafter "Parcel B") conveying title in the Gibbons Property to Gibbons; and

WHEREAS, it appears that there a stone masonry retaining wall, concrete patio, roof overhang, and concrete patio, walkway and/or retaining wall, and landscaping (the "Improvements") existing at or within the area described as the "Easement Area" as set forth in the metes and bounds description annexed hereto as **Exhibit "A"** and shown on a survey made by Badey & Watson Surveying & Engineering P.C., dated December 19, 2023, a copy of which is annexed hereto as **Exhibit "B"** (the "Easement Area"); and

WHEREAS, Calcutti agree to waive any actual or potential claims of ownership by adverse possession over any portion of the Easement Area; and

WHEREAS, in lieu of Calcutti making claims for ownership by adverse possession or similar rights to the Easement Area, the Parties desire to memorialize a right of easement to the Easement Area under the terms herein. The Parties hereby agree that Calcutti, their guests, invitees, heirs, beneficiaries, successors and assignees, may continue to use and maintain the Easement Area and the Improvements thereon only in the manner presently utilized, which right shall be continuing in nature. However, the parties agree that said use is permissive, perpetual in nature, and that each of the parties continue to hold fee title in and to their respective properties.

NOW, THEREFORE, in consideration of good and valuable consideration and the mutual covenants and promises herein, the parties agree as follows:

1. Calcutti makes no claim and shall make no future adverse claim to title to that portion of the Easement Area or any other portion of the Gibbons Property.

2. Calcutti may continue to exclusively use and maintain the Easement Area and Improvements therein only in the same manner as presently existing, and as reflected on the Survey, without giving rise to any claim of adverse possession as against any of the other parties to this Agreement. Calcutti shall indemnify and hold each of the remaining parties harmless for any acts and/or omissions arising from such continued use and maintenance of the Easement Area and Improvements by Calcutti, their guests and invitees, and Calcutti shall maintain liability insurance covering the Easement Area.

3. Calcutti's continued right of use, maintenance and enjoyment of the Easement Area shall remain in full force and effect until such time as Calcutti, their assignees or successors affirmatively abandon the use of the Easement Area, in a writing that is in recordable form and said termination document is recorded against the name of the then owners of the Easement Area and the Calcutti Property.

4. Calcutti, their successors and assignees shall continue to exclusively use and maintain the Improvements in the Easement Area, including making repairs thereto at Calcutti's cost, so as to not alter the present Improvements within the Easement Area. Notwithstanding the foregoing, Calcutti, their successors and assignees, may replace, but not enlarge, the present Improvements with the new or substituted items of the materially same or similar kind for the purposes of aesthetics, beautification and/or modernization for use and enjoyment. Calcutti, their successors and assignees shall have the right to repair or rebuild, but not enlarge, any structure or improvement within the Easement Area that may become damaged, deteriorated or otherwise in disrepair, and to replace such structure or improvement in the same or reasonably similar manner as existing hereto. Calcutti, their successor and assignees, retain the right to relocate the existing stockade fence to the boundary line of the Easement Area described herein and/or install a new fence within the Easement Area.

5. So long as this Agreement remains in force and effect, Gibbons, their successors and assignees shall not alter the Easement Area, and shall not interfere with Calcutti's use, maintenance and enjoyment of the Easement Area or the Improvements. In the event of disrepair to either the Easement Area or Gibbons Property from the Easement Area, and upon twenty day notice and failure to cure (or begin to cure if completion of remedy is not reasonably possible), then the harmed Party may take reasonable steps to remediate condition and obtain reimbursement of same from the other Party, including legal fees and costs. Each Party shall have the right, to the extent of their respective real properties in possession, to replace portions of the stockade fence so long as replacement is the same color, size and material matching the existing fence, or replace the entire stockade fence with fencing of their choice, provided same affords a similar level of privacy as presently existing. Upon reasonable notice and with minimal impact to enjoyment by Calcutti, their successors and assignees over the Calcutti Property and/or Easement Area, Gibbons, their successors and assignees may enter into the easement area upon reasonable notice if necessary to replace or to maintain the aforesaid fence if same cannot be accomplished from the Gibbons side of the fence.

6. Calcutti shall provide requisite transfer tax forms with this Agreement for each Party to execute, which Gibbons shall do when they sign this Agreement. Upon receipt of a fully executed set, Calcutti shall cause this Agreement to be recorded with the Westchester County Clerk as against each party and each of the real properties which are the subject of this Agreement. Calcutti shall pay the costs for preparation and recording of same.

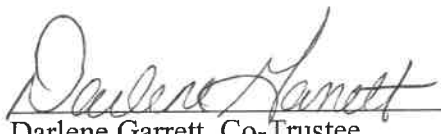
7. This Agreement contains the entire agreement of the parties. There are no prior agreements, oral or written, recorded or unrecorded, relating to the Easement Area.

8. This Agreement may only be amended by writing, signed by the parties or their assignees, to the extent such amendment affects that party's portion of the ownership, use and possession of the Easement Area.

9. This Agreement shall be binding upon the parties, their heirs, successors and assigns, and shall run with the land, in perpetuity unless terminated in accordance with this Agreement.

10. The individuals signing below fully understand this Agreement, and have had the opportunity and/or benefit of consultation with legal counsel in reviewing this Agreement.

IN WITNESS WHEREOF, the parties have hereby set their hands and seals the day and year first above written.



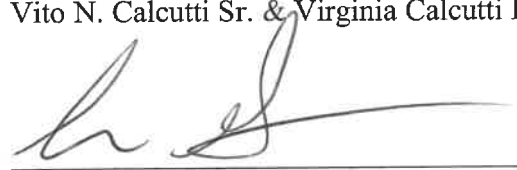
Darlene Garrett, Co-Trustee
Vito N. Calcutti Sr. & Virginia Calcutti Irrevocable Trust

Dated: 2/17/25



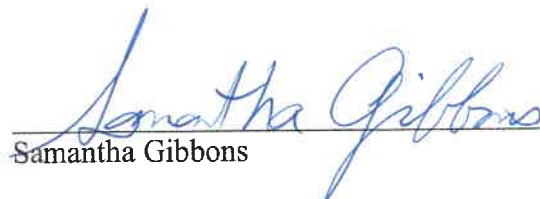
Vito Calcutti Jr., Co-Trustee
Vito N. Calcutti Sr. & Virginia Calcutti Irrevocable Trust

Dated: 2/17/25



Mark Gibbons

Dated: 2/14/25



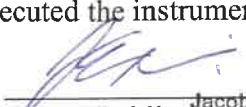
Samantha Gibbons

Dated: 2/14/25

(acknowledgement page follows)

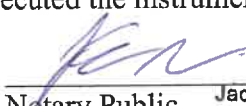
STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

On the 17 day of February, 2025, before me personally appeared **DARLENE GARRETT** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her/their capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public, State of New York
No. 02AM6019480
Qualified in Westchester County
Commission Expires March 15, 2027

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

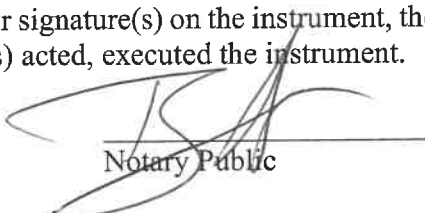
On the 17 day of February, 2025, before me personally appeared **VITO CALCUTTI JR.** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her/their capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public, State of New York
No. 02AM6019480
Qualified in Westchester County
Commission Expires March 15, 2027

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

On the 14th day of February, 2025, before me personally appeared **MARK GIBBONS** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her/their signature(s) on the instrument, the individual, or the person upon behalf of which the individual(s) acted, executed the instrument.

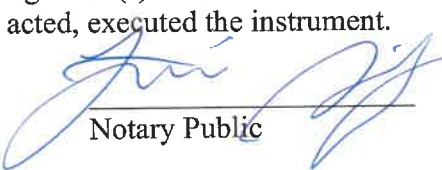
Robert C. Hilpert
Notary Public - State of New York
No. 02HI6336525
Qualified in Westchester County
Commission Expires February 1, 2028


Notary Public

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

On the 14 day of February, 2025, before me personally appeared **SAMANTHA GIBBONS** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her/their signature(s) on the instrument, the individual, or the person upon behalf of which the individual(s) acted, executed the instrument.

Javier A Rifo
Notary Public - State of New York
No. 01RI6401841
Qualified in Westchester County
Commission Expires December 16, 2027


Notary Public

EXHIBITS A

Schedule A – Description of Easement Area

2nd Revised Description of Easement Area
prepared for
VIRGINIA CALCUTTI
(Easement From Gibbons)

AN EASEMENT over and upon that certain parcel of land situate in the Village of Croton-on-Hudson, Town of Cortlandt, County of Westchester, and State of New York that is a portion of Lot 15 and a portion of Lot 14 shown on that certain "Map of Lands known as 'Villa Rende' ...," which was filed in the Westchester County Clerk's office on October 14, 1950, as Map No. 7217" that when taken together is bounded and described as follows:

BEGINNING at the point on the westerly line of the lands shown on said Filed Map No. 7217, which line is also the easterly line of the lands shown on that certain Map of Building Lots ... Leslie R. Palmer ...," which was filed in the Westchester County Clerk's office on December 4, 1917, as Map No. 2166, which point is distant

N 10°24'00" E 18.06 feet

measured along said division line from the point where it is met by the line dividing Lot 95 shown on said Filed Map No. 2166, on the southwest, from Lot 96 on said Filed Map No. 2166, on the northeast.

THENCE from the said point of beginning along the westerly line of the lands shown on Filed Map No. 7217,

N 10°24'00" E 54.52 feet,

to a point. Thence through said Lot 14 and continuing through Lot 15 on Filed Map No. 7217, the following courses:

S 66°00'00" E 14.27 feet,
S 15°30'00" W 24.42 feet,
S 18°07'00" W 29.00 feet, and
N 66°00'00" W 8.03 feet

to the westerly line of the lands shown on said Filed Map No. 7217 and the point or place of beginning of this easement area.

BEING a portion of those lands heretofore conveyed by James Prudden and Nina Prudden to Mark Gibbons and Samantha B. Gibbons by that certain deed dated December 1, 2003, and recorded in the Westchester County Clerk's office as Document No. 441381028.

Prepared by

BADEY & WATSON

Surveying & Engineering, D.P.C.

3063 Route 9

Cold Spring, New York 10516

(845) 265-9217 (voice)

(845) 265-4428 (fax)

(877) 3.141593

www.Badey-Watson.com

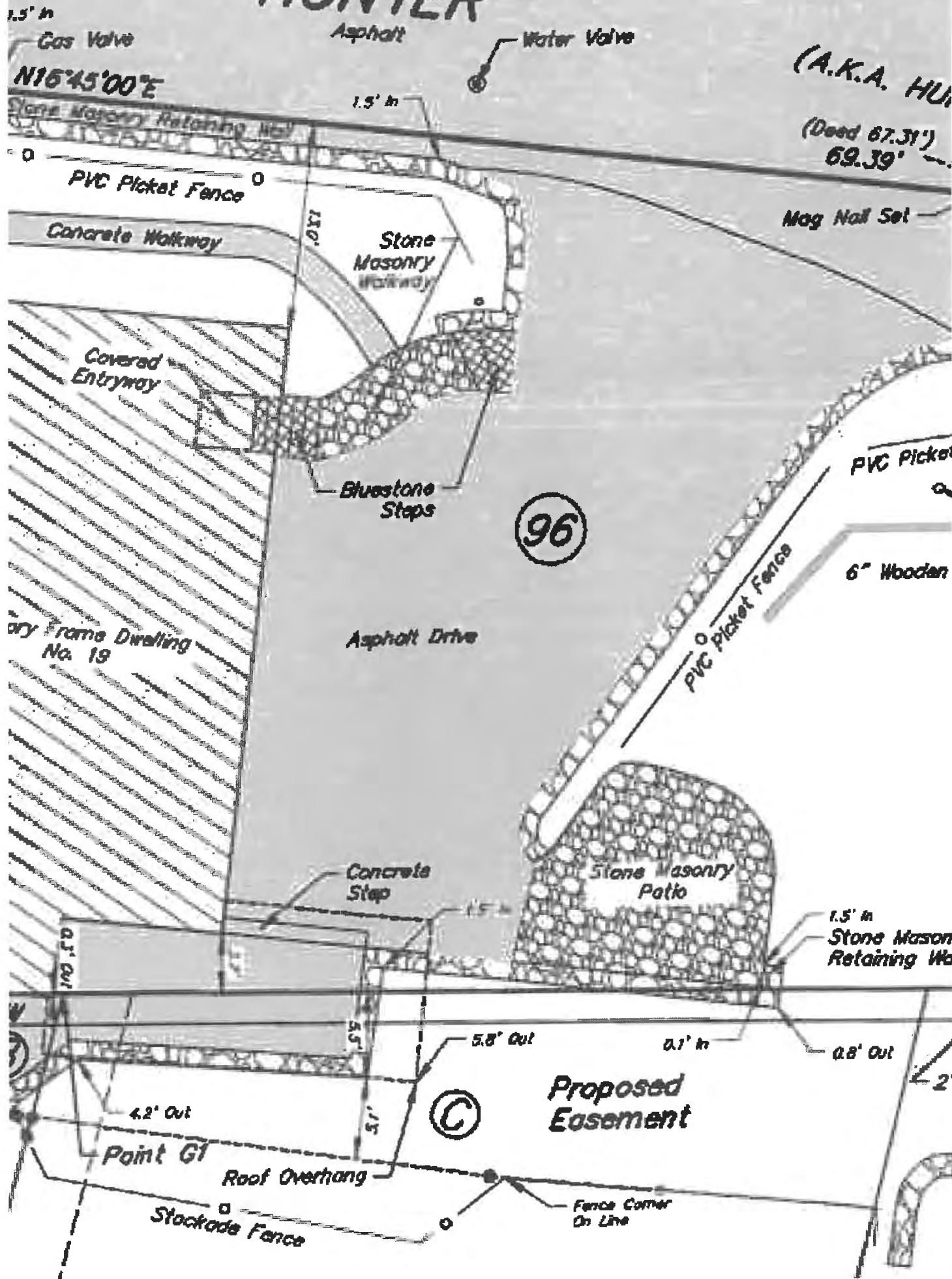
File No. 84-116
Work Order No. 26940
File Name: VC01AG23BD_Gibbons_Esmt_Rev2.docx
Date Created: August 1, 2023
Date Revised: February 13, 2025
Date Printed: February 13, 2025
Figure No. 123
Author: GJW



EXHIBIT B

Survey Portion of Easement Area

HUNTER



The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



640753432DAG001Y

Westchester County Recording & Endorsement Page

Submitter Information

Name: Judicial Research- PICK UP Phone: 914-381-6700
Address 1: 800 Westchester Avenue Suite Fax: 914-381-6785
Address 2: Email: JRrecording@judicialtitle.com
City/State/Zip: Rye Brook NY 10573 Reference for Submitter: 36848 CG

Document Details

Control Number: **640753432** Document Type: **Deed Agreement (DAG)**
Package ID: 2024020800100001003 Document Page Count: **11** Total Page Count: **14**

Parties

☒ Additional Parties on Continuation page

1st PARTY

1: SIMMONS JONATHAN
2: SMITH EMILY

- Individual
- Individual

2nd PARTY

1: GARRETT DARLENE
2: CALCUTTI VITO Jr

- Individual
- Individual

Property

☒ Additional Properties on Continuation page

Street Address: 15 MICHAELS LANE Tax Designation: 78.8-4-30
City/Town: CORTLANDT Village: CROTON-ON-HUDSON

Cross- References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

Supporting Documents

1: TP-584

Recording Fees

Statutory Recording Fee: \$40.00
Page Fee: \$60.00
Cross-Reference Fee: \$0.00
Mortgage Affidavit Filing Fee: \$0.00
RP-5217 Filing Fee: \$0.00
TP-584 Filing Fee: \$5.00
RPL 291 Notice Fee: \$0.00
Total Recording Fees Paid: **\$105.00**

Transfer Taxes

Consideration: \$0.00
Transfer Tax: \$0.00
Mansion Tax: \$0.00
Transfer Tax Number: 9073

Mortgage Taxes

Document Date:
Mortgage Amount:

Basic: \$0.00
Westchester: \$0.00
Additional: \$0.00
MTA: \$0.00
Special: \$0.00
Yonkers: \$0.00
Total Mortgage Tax: **\$0.00**

Dwelling Type: Exempt: ☐
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 03/19/2024 at 09:50 AM
Control Number: **640753432**
Witness my hand and official seal

Timothy C. Idoni
Westchester County Clerk

Record and Return To

☐ Pick-up at County Clerk's office

JACOB E. AMIR, ESQ.
ZARIN & STEINMETZ, ESQ.
81 MAIN STREET, SUITE 415
WHITE PLAINS, NY 10601

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.

640753432DAG001Y

Westchester County Recording & Endorsement Page

Document Details

Control Number: 640753432

Document Type: Deed Agreement (DAG)

Package ID: 2024020800100001003

Document Page Count: 11

Total Page Count: 14

1st PARTY Addendum

2nd PARTY Addendum

VITO N CALCUTTI SR & VIRGINIA CALCUTTI TRUST

Other

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.

640753432DAG001Y

Westchester County Recording & Endorsement Page

Document Details

Control Number: 640753432	Document Type: Deed Agreement (DAG)
Package ID: 2024020800100001003	Document Page Count: 11 Total Page Count: 14

Properties Addendum

19 HUNTER PLACE 10520	CORTLANDT	CROTON-ON-HUDSON 78.8 4 27
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BOUNDARY LINE AGREEMENT

This Boundary Line Agreement ("**Agreement**") is made this **26th** day of February, 2024, by, between and among **Darlene Garrett and Vito Calcutti, Jr., as Co-Trustees of the Vito N. Calcutti Sr. and Virginia Calcutti Trust** ("**Calcutti**"), residing at 19 Hunter Place, Croton-on-Hudson, New York and **Jonathan Simmons and Emily Smith** ("**Smith/Simmons**"), residing at 15 Michaels Lane, Croton-on-Hudson, New York.

WITNESSETH:

WHEREAS, the parties to this Agreement are the record and lawful owners of their respective real properties, with the name of each record owner, and address and tax lot designation for each real property, located in Croton-on-Hudson, New York, with the legal description for each such real property set forth in the exhibits annexed hereto, as follows:

Record Owner	Address	Exhibit
The Vito N. Calcutti Sr. and Virginia Calcutti Irrevocable Trust	19 Hunter Place (78.8-4-27) (the "Calcutti Property")	A
Jonathan Simmons and Emily Smith	15 Michaels Lane (78.8-4-30) (the "Simmons/Smith Property")	B

WHEREAS, it appears that a stone masonry retaining wall, concrete patio, roof overhang, walkway and/or retaining wall, and landscaping (the "Improvements"), as shown on a survey made by Badey & Watson Surveying & Engineering P.C., dated December 19, 2023, a copy of which is annexed hereto as **Exhibit "C"**, are between .1 feet to 6.8 feet east or south of the record line of the Calcutti Property as it borders the Simmons/Smith Property (collectively, the "**Affected Area**"); and

WHEREAS, Calcutti, including those acting by or on her behalf, has and continues to exclusively use, maintain and enjoy the benefits of the Improvements made on the Affected Area from the time that Calcutti first acquired the Calcutti Property; and

WHEREAS, Calcutti agrees and acknowledges that, notwithstanding such use, Calcutti makes no claim of ownership or title to any part of the Affected Area, and has no claim of ownership, title, possession or other right to any portion of the Simmons/Smith Property; and

WHEREAS, in lieu of Calcutti making claims for adverse possession and/or prescriptive easement as against Simmons/Smith, their successors and/or assignees relating to the Affected Area, the parties hereto desire to memorialize the rights of such parties hereto, their assignees, successors and all others who acquire an ownership interest in the aforementioned properties. The parties hereby agree that Calcutti, her guests, invitees, heirs, beneficiaries, successors and

assignees, may continue to use and maintain the Affected Area and the Improvements thereon in the manner presently utilized, which right shall be continuing in nature. However, the parties agree that said use is permissive and that Simmons/Smith continue to hold fee title in and to the Simmons/Smith Property.

NOW, THEREFORE, in consideration of good and valuable consideration and the mutual covenants and promises herein, the parties agree as follows:

1. Calcutti makes no claim and shall make no future adverse claim to title to that portion of the Affected Area or any other portion of land described in Exhibit B, owned by Simmons/Smith.

2. Calcutti may continue to exclusively use and maintain the Affected Area and Improvements therein in the same manner as presently existing, and as reflected on the Survey, without giving rise to any claim of adverse possession as against any of the other parties to this Agreement. Calcutti shall indemnify and hold Simmons/Smith harmless for any acts and/or omissions arising from such continued use and maintenance of the Affected Area and Improvements by Calcutti, their guests and invitees, and Calcutti shall maintain liability insurance covering the Affected Area.

3. Calcutti's continued right of use, maintenance and enjoyment of the Affected Area shall remain in full force and effect until such time as Calcutti or her assignees affirmatively abandon the use of the area shown on the survey annexed hereto encroaching on the Simmons/Smith Property, in a writing that is in recordable form and said termination document is recorded against the name of the then owners of the Affected Area.

4. Calcutti and her assignees shall continue to exclusively use and maintain the Improvements in the Affected Area, including making repairs thereto at Calcutti's cost, so as to not alter the present Improvements within the Affected Area. Notwithstanding the foregoing, Calcutti may replace the present Improvements with the new or substituted items of the materially same or similar kind for the purposes of aesthetics, beautification and/or modernization for Calcutti's use and enjoyment. Calcutti and her assignees shall have the right to repair or rebuilt any structure or improvement within the Affected Area that may become damaged, deteriorated or otherwise in disrepair, and to replace such structure or improvement in the same or reasonably similar manner as existing hereto.

5. So long as this Agreement remains in force and effect, Simmons/Smith shall not alter the Affected Area, and shall not interfere with Calcutti's use, maintenance and enjoyment of the Affected Area or the Improvements. Calcutti and her assignee shall take all reasonable steps to maintain the Affected Area and Improvements thereon in good order as presently existing. In the event of disrepair to the Affected Area or the Improvements which causes or threatens physical harm to the remainder of the Simmons/Smith Property, and upon twenty day notice to Calcutti and failure to cure (or begin to cure if completion of remedy is not reasonably possible), then Smith/Simmons may take reasonable steps to remediate the condition at Calcutti's cost, including legal fees and costs. Simmons/Smith shall have the right, to the extent of their real

property, to replace the stockade fence with fencing of their choice, provided same affords a similar level of privacy as presently existing. Upon reasonable notice and with minimal impact to Calcutti's enjoyment of the Affected Areas, Simmons/Smith may enter into the easement area if necessary for replacement purposes or to maintain if same cannot be accomplished from the Simmons/Smith side of the fence.

6. Calcutti shall provide requisite transfer tax forms with this Agreement for each party to execute, and this Agreement shall be recorded in the Office of the Westchester County Clerk, Division of Land Records, as against each party and each of the real properties which are the subject of this Agreement. Calcutti shall pay the costs for preparation and recording of same.

7. This Agreement contains the entire agreement of the parties. There are no prior agreements, oral or written, recorded or unrecorded, relating to the Affected Area.

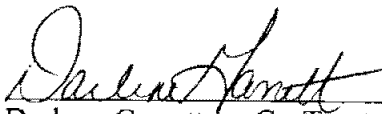
8. This Agreement may only be amended by writing, signed by the parties or their assignees, to the extent such amendment affects that party's portion of the ownership, use and possession of the Affected Area.

9. This Agreement shall be binding upon the parties, their heirs, successors and assigns, and shall run with the land, in perpetuity unless terminated in accordance with this Agreement.

10. This Agreement shall have no affect upon the claims, rights and/or interests of any other parties or real properties not described herein. Any representations made in this Agreement are being made strictly for the purpose of entering into this Agreement. Nothing herein shall be deemed an admission, concession or waiver of any other claims, rights/and or interests Calcutti made have as to other real property not owned by Simmons/Smith.

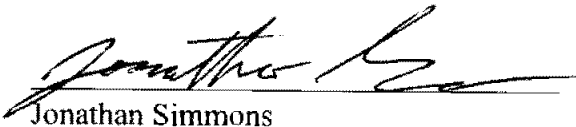
11. The individuals signing below fully understand this Agreement, and have had the opportunity and/or benefit of consultation with legal counsel in reviewing this Agreement.

IN WITNESS WHEREOF, the parties have hereby set their hands and seals the day and year first above written.



Darlene Garrett, as Co-Trustee of the
Vito N. Calcutti Sr. & Virginia Calcutti Irrevocable Trust

Dated: 2/16/2024



Jonathan Simmons

Dated: 2/26/2024

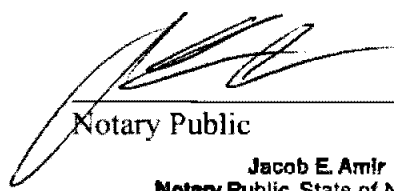


Emily Smith

Dated: 2/26/2024

STATE OF NEW YORK)
COUNTY OF Westchester) ss:

On the 16 day of February, 2024, before me personally appeared **DARLENE GARRETT** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her/their capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

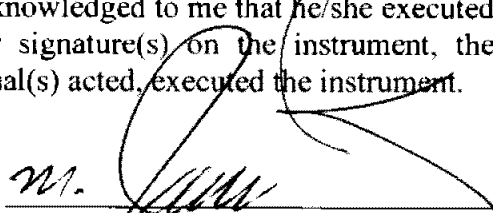


Notary Public

Jacob E. Amir
Notary Public, State of New York
No. 02AM6019480
Qualified in Westchester County
Commission Expires March 15, 2027

STATE OF NEW YORK)
COUNTY OF New York) ss:

On the 26 day of February, 2024, before me personally appeared **JONATHAN SIMMONS** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her/their signature(s) on the instrument, the individual, or the person upon behalf of which the individual(s) acted, executed the instrument.

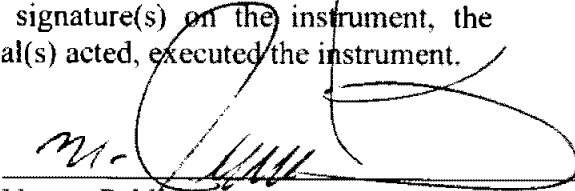


Notary Public

MOHAMMAD RASHID RIAZ
Notary Public - State of New York
No. 01RI6320662
Qualified in Queens County
My Comm. Expires Mar. 9, 2027

STATE OF NEW YORK)
COUNTY OF New York) ss:

On the 26 day of February, 2024, before me personally appeared **EMILY SMITH** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her/their signature(s) on the instrument, the individual, or the person upon behalf of which the individual(s) acted, executed the instrument.



Notary Public

MOHAMMAD RASHID RIAZ
Notary Public - State of New York
No. 01RI6320662
Qualified in Queens County
My Comm. Expires Mar. 9, 2027

Vito N. Calcutti Jr.
Vito Calcutti Jr., as Co-Trustee of the
Vito N. Calcutti Sr. & Virginia Calcutti Irrevocable Trust

Dated: 3-5-24

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss:

On the 5th day of March, 2024, before me personally appeared **VITO CALCUTTI JR.** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her/their signature(s) on the instrument, the individual, or the person upon behalf of which the individual(s) acted, executed the instrument.

Laura McMahon
Notary Public

LAURA MCMAHON
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01MC6017348
QUALIFIED IN ROCKLAND COUNTY
COMMISSION EXPIRES 12/14/20 26

EXHIBITS A

Legal Description of Calcutti Property

EXHIBIT A

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, with buildings and improvements thereon erected, situate, lying and being in the Village of Croton-on-Hudson, Town of Cortlandt, County of Westchester and State of New York, being known and designated as Lot No. 96 on a certain map entitled "Map of Building Lots Belonging to Leslie R. Palmer, located in Croton-on-Hudson, Town of Cortlandt, New York", made by Reynolds and Chase, C. E., dated July 16, 1917 and filed in the Westchester County Clerk's Office, Division of Land Records on December 4, 1917 as Map no. 2166.

EXHIBITS B

Legal Description of Simmons/Smith Property

EXHIBIT B

ALL that certain plot, piece or parcel of land, situate, lying and being in the Village of Croton-on-Hudson, Town of Cortlandt, County of Westchester and State of New York, being known and designated as a portion of Lot No. 15 as shown on a certain map entitled, "Map of Lands known as Villa Rende situate in the Village of Croton on Hudson, Westchester County, N.Y.", made by W. A. Slater, E. & S. dated July 16, 1950 and filed in the Office of the County Clerk, Division of Land Records of Westchester County on October 14, 1950 as Map No. 7217, being more particularly bounded and described as follows:

BEGINNING at a point in the Westerly line of Michaels Lane (Place) (Rende Lane) where the same is intersected by the dividing line between Lots 16 and 15 on said map and running thence along said dividing line North 66 degrees 00' 00" West, 115.56 feet to a point;

RUNNING THENCE along the westerly line of Lot 10 North 10 degrees 24' 00" East 57.80 feet to a point;

RUNNING THENCE through Lot 15 South 66 degrees 00' 00" East 144.15 feet to said line of Michaels Lane (Place) (Rende Lane);

RUNNING THENCE along said line of Michaels Lane (Place) (Rende Lane) the following courses and distances:

South 24 degrees 00' 00" West 31.80 feet southerly on a curve to the right having a radius of 25 feet for a distance of 22.88 feet and southerly on a curve to the left having a radius of 57 feet for a distance of 6.95 feet to the point of **BEGINNING**.

EXHIBITS C

Survey of Calcutti Property and “Affected Areas”

EXHIBIT C

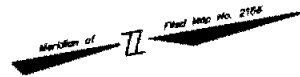
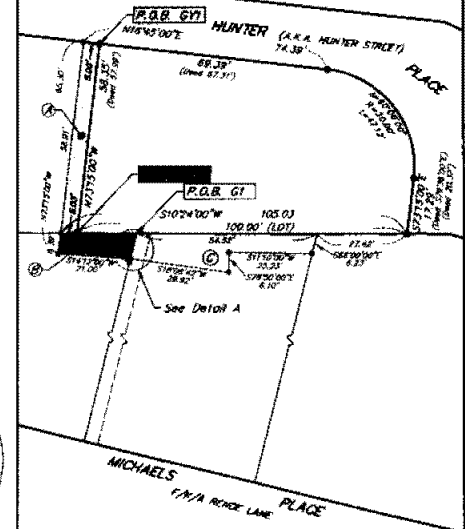


TABLE SHOWING PROPOSED EASEMENT DATA

Easement	Grantor	Area (sq. ft.)	Point of Beginning (P.O.B.)
A	Badey & Watson	863	897
C	Gibbons	437	87

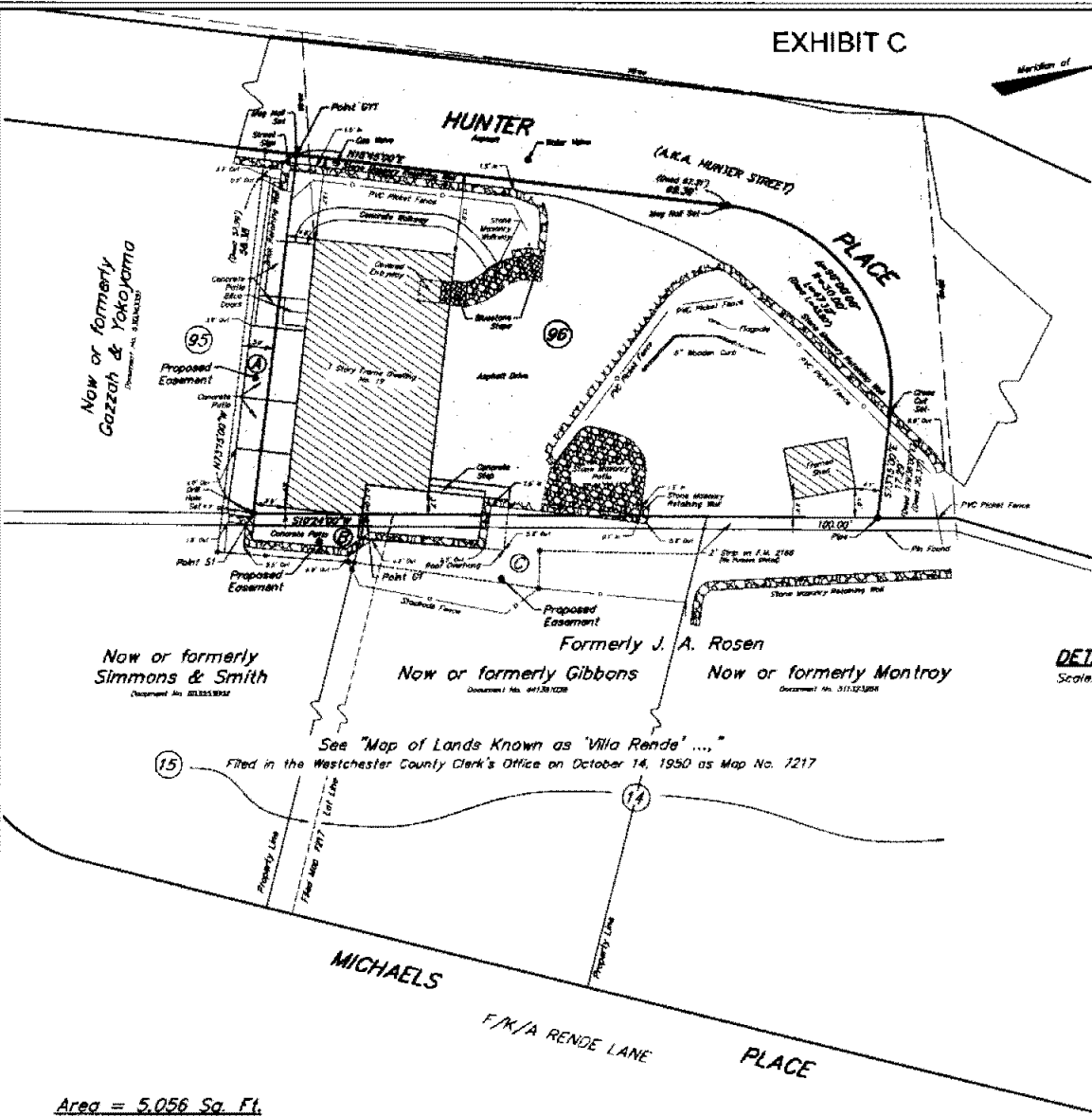


EASEMENT DETAIL

Scale: 1"=20'

DETAIL A

Scale: 1"=5'



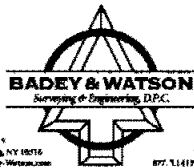
See "Map of Lands Known as 'Villa Rende'"

Filed in the Westchester County Clerk's Office on October 14, 1950 as Map No. 7217

SURVEY

Scale: 1"=10'

- Notes
1. COPYRIGHT "2022" by BADEY & WATSON, Surveying & Engineering, D.P.C. All Rights Reserved. Unauthorized duplication is a violation of applicable laws.
 2. Unauthorized alteration or addition to a document prepared by a licensed land surveyor is a violation of Section 7208, Subdivision 2 of the New York State Education Law.
 3. All certifications are valid for this map and copies thereof only if said map or copies bear the embossed seal of the surveyor whose signature appears hereon.
 4. If underground improvements, easements, or encroachments exist and are neither visible during normal field survey operations nor described in instruments provided to these surveyors, they may not be shown on this map.
 5. This property may be affected by instruments which have not been provided to these surveyors. Users of this map should verify title with their attorney or a qualified title examiner.
 6. The premises hereon is Lot 86 as shown on that certain "Map of Building Lots... 'Ladies R. Palmer'..." which was filed in the Westchester County Clerk's Office on December 4, 1917 as Map No. 2168.
 7. Revised on August 2, 2023 to add proposed easements to be acquired from neighbors and related data.
 8. Survey was 100% brought to date.
 9. Revised on December 19, 2023 to modify proposed easement boundary through Gibbons lands.
 10. Survey 100% brought to date.



SURVEY OF PROPERTY
PREPARED FOR
VIRGINIA CALCUTTI
SITUATE IN THE
VILLAGE OF CROTON-ON-HUDSON
TOWN OF CORTLANDT
WESTCHESTER COUNTY
NEW YORK

SCALE: AS NOTED MAY 10, 2022

We hereby certify that the survey shown hereon was completed by us on May 10, 2022, that this map was completed on May 20, 2022, and that this survey has been prepared in accordance with the acting Code of Practice for Land Surveyors adopted by the New York State Association of Professional Land Surveyors, Inc. Revised on December 19, 2023. See note 8.

BADEY & WATSON
Surveying & Engineering, D.P.C.

NEW YORK STATE LICENSED LAND SURVEYOR
LICENSE No. 30389

PRINTED

December 19, 2023

BADEY & WATSON
Surveying & Engineering, D.P.C.

FILE No. 84-116

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



650973373JDG0077

Westchester County Recording & Endorsement Page

Submitter Information

Name: Zarin & Steinmetz Phone: 9146827800
Address 1: 81 main street Fax:
Address 2: Email: lauram@zarin-steinmetz.com
City/State/Zip: white plains NY 10601 Reference for Submitter: Calcutti

Document Details

Control Number: **650973373** Document Type: **Judgment, Certified Copy (JDG)**
Package ID: 2025040700236001001 Document Page Count: **11** Total Page Count: **13**

Parties

☒ Additional Parties on Continuation page
2nd PARTY

1st PARTY
1: GARRETT DARLENE - Other 1:
2: CALCUTTI VITO - Other 2:

Property

☐ Additional Properties on Continuation page

Street Address: 15 HUNTER PLACE Tax Designation: 78.8-4-32
City/Town: CORTLANDT Village: CROTON-ON-HUDSON

Cross- References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

Supporting Documents

Recording Fees

Statutory Recording Fee: \$40.00
Page Fee: \$60.00
Cross-Reference Fee: \$0.00
Mortgage Affidavit Filing Fee: \$0.00
RP-5217 Filing Fee: \$0.00
TP-584 Filing Fee: \$0.00
RPL 291 Notice Fee: \$0.00
Total Recording Fees Paid: **\$100.00**

Transfer Taxes

Consideration: \$0.00
Transfer Tax: \$0.00
Mansion Tax: \$0.00
Transfer Tax Number:

Mortgage Taxes

Document Date:
Mortgage Amount:

Basic: \$0.00
Westchester: \$0.00
Additional: \$0.00
MTA: \$0.00
Special: \$0.00
Yonkers: \$0.00
Total Mortgage Tax: **\$0.00**

Dwelling Type: Exempt: ☐
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 04/29/2025 at 11:44 AM
Control Number: **650973373**
Witness my hand and official seal

Timothy C. Idoni

Timothy C. Idoni
Westchester County Clerk

Record and Return To

☐ Pick-up at County Clerk's office

Zarin & Steinmetz LLP
81 Main St., Ste. 415

White Plains, NY 10601
Attn: Laura McMahon, Paralegal

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.

650973373JDG0077

Westchester County Recording & Endorsement Page

Document Details

Control Number: **650973373**

Document Type: **Judgment, Certified Copy (JDG)**

Package ID: 2025040700236001001

Document Page Count: 11

Total Page Count: 13

1st PARTY Addendum

2nd PARTY Addendum

GAZZAH KARIM

Individual

YOKOYAMA YUKIYO

Individual

GIBBONS MARK

Individual

GIBBONS SAMANTHA

Individual

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
DARLENE GARRETT and VITO CALCUTTI, JR.,
as Co-Trustees of the Vito N. Calcutti Sr. and Virginia
Calcutti Trust,

Index No. 58793/2024

**ORDER AND
JUDGMENT**

Plaintiff,

- against -

MARK GIBBONS, SAMANTHA GIBBONS, KARIM
GAZZAH and YUKIYO YOKOYAMA,Defendants.
-----X

Plaintiffs, Darlene Garrett and Vito Calcutti, Jr., as Co-Trustees of the Vito N. Calcutti Sr. and Virginia Calcutti Trust, owners of the real property known as 19 Hunter Place, Croton-on-Hudson, New York, having commenced this action on March 18, 2024, in part, for judgment declaring ownership by adverse possession over a portion of the land identified in the Amended Verified Complaint as being within the legal description of the real property known and described as 15 Hunter Place, Croton-on-Hudson, New York, which real property is held in title by Defendants Karim Gazzah and Yukiyo Yokoyama, which Plaintiffs claim by adverse possession free and clear of the mortgage lien held by Defendant Citibank, N.A. encumbering the portion of such land; and

The Summons and Verified Complaint, with Notice of Commencement of Action, having been served upon Defendants Karim Gazzah and Yukiyo Yokoyama on March 20, 2024, and prior to any answer or other response having been made, Plaintiffs caused a Supplemental Summons and Amended Verified Complaint to be filed on July 18, 2024, and Defendants Karim Gazzah and Yukiyo Yokoyama having appeared by their answer with counterclaims, dated August 12, 2024; and defendant Citibank, N.A., having appeared by its answer with affirmative defenses, dated September 3, 2024; and

Plaintiffs, having set forth in the Amended Complaint that the records of the Westchester County Clerk reflect that Defendants Gazzah and Yokoyama acquired 15 Hunter Place, Croton-on-Hudson, New York by Deed, dated December 22, 2024 and recorded on February 22, 2023 at Control No. 630343351, and at the time of their acquisition, said Defendants made a mortgage with Defendant Citibank, N.A. encumbering the aforesaid premises, which mortgage was recorded on February 22, 2023 at Control No. 630513059; and

Plaintiffs having moved for summary judgment on their second and fourth causes of action in the Amended Verified Complaint, for: (1) declaratory judgment against Defendants Karim Gazzah and Yukiyo Yokoyama as to Plaintiffs' rights over the rear area of land having an address at 15 Hunter Place, Croton-on-Hudson, New York; and (2) under the fourth cause of action, ownership by adverse possession over that rear area, being approximately 293 square feet and which legal description is described in the Verified Amended Complaint, and that such ownership be deemed free and clear of liens and encumbrances under the mortgage made by Defendants Karim Gazzah and Yukiyo Yokoyama with Defendant Citibank, N.A.; and

Defendant Citibank, N.A., having not submitted opposition to Plaintiffs' motion, and Defendants Gazzah and Yokoyama, submitting purported opposition (NYSCEF No. 94), and the Court having granted Plaintiffs' motion by Order on March 4, 2025 (NYSCEF No. 95), and Notice of Entry having been served on March 4, 2025 (NYSCEF No. 96), and

NOW, upon the motion of Zarin & Steinmetz, LLP, attorneys for Plaintiffs, it is hereby

ORDERED, ADJUDGED AND DECREED, that Darlene Garrett and Vito Calcutti Jr. , as Co-Trustees of the Vito N. Calcutti Sr. and Virginia Calcutti Trust, are declared the absolute and lawful fee owners by adverse possession of that parcel of land comprising approximately 293

square feet, existing at the northerly or rear portion of the 15 Hunter Property, and having a metes and bounds description as follows:

BEGINNING at the point on the easterly line of Hunter Place where it is met by the line dividing said Lot 95, on the southwest, from Lot 96 on said Filed Map No. 2166, on the northeast as shown on said Filed Map No. 2166

THENCE from the said point of beginning along the said division line S 73°15'00" E 58.35 feet, to the southeasterly end thereof and the line of lands formerly of A.J. Rosen and now shown on that certain "Map of Lands known as 'Villa Rende' ...," which was filed in the Westchester County Clerk's office on October 14, 1950, as Map No. 7217.

THENCE along the said lands shown on Filed Map No. 7217 S 10°24'00" W 5.03 feet, to a point.

THENCE through said Lot 95 shown on Filed Map No. 2166 N 73°15'00" W 58.91 feet, to another point on the easterly line of Hunter Place.

THENCE northerly along the easterly line of Hunter Place N 16°45'00" E 5.00 feet to the point or place of beginning of this easement area.

And it is further

ORDERED, ADJUDGED AND DECREED, that all claims of Defendants Karim Gazzah and Yukiyo Yokoyama, and Citibank, N.A., as to that portion over which Plaintiffs are declared absolute and lawful owners, are deemed to be invalid and of no force and effect, and all such claims, titles, rights, encumbrances or other interests are wholly extinguished, cut off, and barred; and it is further

ORDERED, ADJUDGED AND DECREED, that the counterclaim of Defendants Karim Gazzah and Yukiyo Yokoyama for declaration under RPAPL Article 15 of ownership of the subject adverse parcel described above is dismissed with prejudice; and it is further

ORDERED, ADJUDGED AND DECREED, that Plaintiffs Darlene Garrett and Vito Calcutti, Jr., as Co-Trustees of the Vito N. Calcutti Sr. and Virginia Calcutti Trust, having an

address at 19 Hunter Place, Croton-on-Hudson, New York, shall have judgment against Defendants Karim Gazzah and Yukiyo Yokoyama, having an address at 15 Hunter Place, Croton-on-Hudson, New York, in the amount of Seven Hundred and Eighty Dollars (\$780.00), as Bill of Costs, and that said Plaintiffs may execute thereon; and it is further

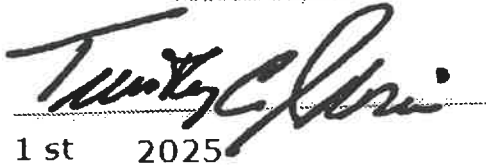
ORDERED, ADJUDGED AND DECREED, that upon presentment of a certified copy of this Order and Judgment, the Office of the Westchester County Clerk, Division of Land Records, shall accept this Order and Judgment for recording as against the names and address of the Darlene Garrett and Vito Calcutti, Jr., as Co-Trustees of the Vito N. Calcutti Sr. and Virginia Calcutti Trust, and Karim Gazzah and Yukiyo Yokoyama.

ORDERED:



HON. ROBERT S. ONDROVIC, J.S.C.

ENTERED: White Plains, NY
March 17, 2025



April 1 st 2025

STATE OF NEW YORK, COUNTY OF WESTCHESTER SS.
I, TIMOTHY C. IDONI, COUNTY CLERK AND CLERK OF THE SUPREME AND COUNTY COURTS, WESTCHESTER COUNTY DO HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH THE ORIGINAL
THEREOF FILED IN MY OFFICE ON 4/2/25 AND THAT THE SAME IS A CORRECT TRANSCRIPT THEREFROM AND OF THE FORCE OF SUCH ORIGINAL
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL
4/3/25 Timothy C. Idoni
COUNTY CLERK AND CLERK OF THE SUPREME AND COUNTY COURTS, WESTCHESTER COUNTY
FEE PAID

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTERDARLENE GARRETT and VITO CALCUTTI, JR.,
as Co-Trustees of the Vito N. Calcutti Sr. and Virginia
Calcutti Trust,**BILL OF COSTS**

Index No. 58793/2024

Plaintiff,

- against -

MARK GIBBONS, SAMANTHA GIBBONS, KARIM
GAZZAH and YUKIYO YOKOYAMA,

Defendants.

COSTS

Costs before Note of Issue (CPLR 8201 Subd. 1)	\$200.00
Costs after Note of Issue (CPLR 8201 Subd. 2)	\$200.00

Total Cost - \$400.00**DISBURSEMENTS**

Fee for Index Number (CPLR 8108(a))	\$210.00
Request for Judicial Intervention (CPLR 8020(a))	\$95.00
Note of Issue (CPLR 8020(a))	\$30.00
Motion Fee	\$45.00

Total Disbursements - \$380.00

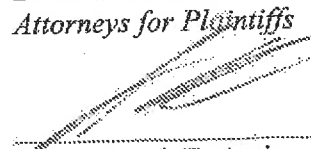
Attorney's Affirmation

The undersigned, an attorney admitted to practice in the Courts of this state, affirms that he a partner with Zarin & Steinmetz, LLP, attorneys of record for the Plaintiffs in the above-entitled action; that the foregoing disbursements have been or will necessarily be made or incurred in this action and are reasonable in amount and that copies of documents or papers as charged herein were actually and necessarily obtained for use.

The undersigned affirms that the foregoing statements are true under the penalties of perjury.

Dated: March 4, 2025
White Plains, New York

ZARIN & STEINMETZ, LLP
Attorneys for Plaintiffs



Jacob E. Amir

NOTICE OF ENTRY

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER-----X
DARLENE GARRETT and VITO CALCUTTI, JR.,
as Co-Trustees of the Vito N. Calcutti Sr. and Virginia
Calcutti Trust,

Index No. 58793/2024

Notice of Entry

Plaintiff,

- against -

MARK GIBBONS, SAMANTHA GIBBONS, KARIM
GAZZAH and YUKIYO YOKOYAMA,Defendants.
-----X

PLEASE TAKE NOTICE, that the within is a true copy of an Decision and Order dated March 4,
2025 and entered on March 4, 2025, in the Office of the Clerk of Westchester County.

Dated: White Plains, New York
March 4, 2025

ZARIN & STEINMETZ LLP

By: /s/ Jacob E. Amir
Jacob E. Amir
81 Main Street, Suite 415
White Plains, New York 10601
(914) 682-7800
Attorneys for Plaintiffs

To: (Via Overnight Mail)
KARIM GAZZAH, *pro se*
15 Hunters Place
Croton-on-Hudson, NY 10520

(Via Overnight Mail)
YUKIYO YOKOYA
15 Hunters Place
Croton-on-Hudson, NY 10520

(Via NYSCEF)

Leah Lenz, Esq.
Hinshaw & Culbertson, LLP
800 Third Avenue
New York, NY 10022

FILED: WESTCHESTER COUNTY CLERK 04/02/2025 11:45 AM

INDEX NO. 58793/2024

NYSCEF DOC. NO. 987

RECEIVED NYSCEF: 04/04/2025

Lauren N. Brown, Esq.
Ballard Spahr, LLP
1675 Broadway, Fl. 19
New York, NY 10019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

Index No.: 58793/2024

-----X
DARLENE GARRETT and VITO CALCUTTI, JR., as
Co-Trustees of the Vito N. Calcutti Sr. and Virginia
Calcutti Trust,

NOTICE OF MOTION

Plaintiff,

-against-

MARK GIBBONS, SAMANTHA GIBBONS, KARIM
GAZZAH and YUKIYO YOKOYAMA, ROCKET
MORTGAGE LLC and CITIBANK, N.A.Defendants.
-----X

Please take notice, that upon the annexed Affirmations of Darlene Garrett, dated February 17, 2025, Vito Calcutti, Jr., dated February 17, 2025, and Jacob E. Amir, Esq., dated February 17, 2025, the Plaintiffs Rule 202.8-g Statement of Material Facts, and Plaintiffs' Memorandum of Law, Plaintiffs will move at the Supreme Court, County of Westchester, 111 Dr. Martin Luther King, Jr. Boulevard, White Plains, NY 10601, on March 12, 2025 at 9:30 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard for an Order pursuant to CPLR 3212 granting summary judgment in favor of Plaintiffs and against Defendants Karim Gazzah, Yukiyo Yokoyama and Citibank, N.A., together with such other and further relief this Court deems just and proper.

Please take further notice, that pursuant to CPLR 2214(b), answering papers, if any, are required to be served upon the undersigned no later than seven (7) days prior to the return date.

Dated: February 17, 2025

Zarin & Steinmetz LLP

Attorneys for Plaintiffs

By: /s/ Jacob E. Amir

Jacob E. Amir

81 Main Street, Suite 415

White Plains, NY 10601

(914) 682-7800

TO:

(via overnight mail)

Karim Gazzah, *pro se*

15 Hunter Place

Croton-on-Hudson, NY 10520

(via overnight mail)

Yukiyo Yokoyama, *pro se*

15 Hunter Place

Croton-on-Hudson, NY 10520

(via NYSCEF)

Leah Lenz

Hinshaw & Culbertson, LLP

800 Third Avenue

New York, NY 10022

(via NYSCEF)

Lauren N. Brown

Ballard Spahr, LLP

1675 Broadway, FL 19

New York, NY 10019

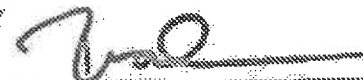
The Court has considered the Notice of Motion Sequence No. 3 together with exhibits annexed thereto along with the opposition and the exhibits annexed thereto and the following shall be the Decision and Order of this Court.

Plaintiffs move for summary judgment on an adverse possession claim against the defendants over a 293 square foot portion of property that is within the lot owned by the defendants. Plaintiff submit admissible evidence to demonstrate that since 1967 plaintiffs' family had improved and enclosed the subject area and used it as well as maintained it continuously in an open and exclusive fashion. Based upon the admissible proof submitted on this motion, plaintiffs have established a *prima facie* entitlement to summary judgment and the burden shifts to the defendants to demonstrate that material questions of fact exist.

In opposition, defendants submit an unsworn "letter" to the Court along with exhibits that are not properly authenticated. Failing to submit proof in admissible form, defendants have not met their burden to demonstrate that material questions of fact exist.

Plaintiffs' motion is granted. Counsel shall submit a proposed Order consistent with this decisions within 10 days from the date hereof.

Dated: White Plains, NY
March 4, 2025


Hon. Robert S. Ondrovic, J.S.C.

SO ORDERED

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER-----X
DARLENE GARRETT and VITO CALCUTTI, JR.,
as Co-Trustees of the Vito N. Calcutti Sr. and Virginia
Calcutti Trust,

Index No. 58793/2024

Plaintiff,

AFFIDAVIT OF SERVICE

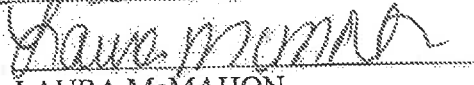
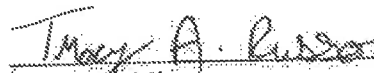
- against -

MARK GIBBONS, SAMANTHA GIBBONS, KARIM
GAZZAH and YUKIYO YOKOYAMA,Defendants.
-----XSTATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

LAURA McMAHON, being duly sworn, deposes and says as follows:

1. I am not a party to this action and am over 18 years of age and reside in the State of New York.

2. On March 10, 2025, I served a true copy of the NOTICE OF SETTLEMENT OF ORDER AND JUDGMENT WITH BILL OF COSTS, by electronically filing said documents on the NYSCEF system (Docket No. 5) for the above-referenced case, and via electronic mail, upon the following, at the email addresses set forth as follows:

TO: Karim Gazzah, *Pro Se*
15 Hunter Place
Croton-on-Hudson, NY 10520
kgazzah@gmail.comLauren N. Brown, Esq.
Ballard Spahr LLP
1675 Broadway, Fl 19
New York, NY 10019
brownln@ballardspahr.comLeah Rabinowitz Lenz, Esq.
Hinshaw & Culbertson LLP
Attorneys for Rocket Mortgage LLC
800 Third Avenue
New York, NY 10022
llenz@hinshawlaw.comYukiyo Yokoyama, *Pro Se*
15 Hunter Place
Croton-on-Hudson, NY 10520
kgazzah@gmail.com
LAURA McMAHONSworn to before me this
10th day of March, 2025
Notary PublicTRACY A. RUSSO
Notary Public, State of New York
No. 01RU6364241
Qualified in Westchester County
Commission Expires 9/11/2025

037 00 216 002 00

TOWN OF CORTLANDT, N. Y. — PROPERTY RECORD CARD

RAYMOND GRAYCE
High ST.
Croton N.Y.

37 216 2 HL

80 X 85

900	2700	3600	3600
-----	------	------	------

ASSESSMENT RECORD

	1954	19 68	19 72	19 75	19 80	19 81	19	19	19
LAND	400	400	400	375	375				
BUILDINGS	1975	1925	1900	2125	2275				
EXEMPTION		1300	2300	2500	2650				
TOTAL	2375	2325	2300	2500	2650				

SPECIAL DISTRICTS

FIRE	WATER	LIGHTING	SCHOOL
		#12 O.S.S.D.	No.2

PROPERTY INFORMATION

LAND COST	RENT	LAND @ $r_o =$
BLDG. COST	EXPENSE	BLDG. @ $r_o =$
SALE PRICE	NET RENT	TOTAL

OWNERSHIP

DATE _____

**PURCHASE
PRICE**

Scalzo, P. Donald & J. Eileen	L 6690 P 481	2/23/67	6500
Calcutti Sr, Vito & Virginia	L 6738 P 665	10/11/67	16000
CALCUTTI, VITO & VIRGINIA IRREV TRUST		11/20/18	
CALCUTTI, VITO J & GARRETT, TRUSTEE	58361	3259	

PROPERTY FACTORS

STREET		IMPROVEMENTS		TOPOGRAPHY		TREND OF DISTRICT	
PAVED	✓	WATER	✓	LEVEL		IMPROVING	
SEMI-IMPROVED		SEWER	✓	HIGH	✓	STATIC	✓
DIRT		GAS		LOW		DECLINING	
SIDEWALK		ELECTRICITY	✓	ROLLING	✓		
		SEPTIC TANK		SWAMPY			

LAND VALUE COMPUTATIONS AND SUMMARY

CLASSIFICATION		NO. OF ACRES	RATE	TOTAL		
BUILDING SITE						
TILLABLE						
PASTURE						
WOODED						
WASTE LAND						
TOTAL ACREAGE						
FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE		
F-77	42	25 ⁰⁰	56	14 ⁰⁰	1080	
			DEPR -10%	-	110	
TOTAL VALUE LAND					970	970
TOTAL VALUE BUILDINGS					4790	5310
TOTAL VALUE LAND & BUILDINGS					5760	6280

BLDG. DEC. 35 DUE TO V.E. '72 MEMORANDA *Rev. #1296-4/74-enclose punch*
U #1000 - 9/74
 P1522 above pool 5/77 *CO #1168 3/77 above pool*

1980-NC-Poul-

2 LARGE PATIOS -

3

CONSTRUCTION

WALLS	
-------	--

	FIN. BSMT. AREA
--	-----------------

STONE ON MASONRY	HEATING
------------------	---------

ARTIFICIAL STONE	STEAM
------------------	-------

	RADIANT HEATING
--	-----------------

ASBESTOS SHINGLES		
		PLUMBING

	KITCHEN SINK
--	--------------

MILL TYPE		
CONCRETE		THIN

NO. OF ROOMS		TOILET FLR. & WSCI.
TYPE	AND	LIGHTING

DESIGN

COMPUTATIONS

--	--

A hand-drawn map of a rectangular area, possibly a field or a plot. The map is drawn with a red outline. Inside the rectangle, there is a grid of dots. The following labels and dimensions are present:

- Top center: 5
- Top left: 5
- Top right: 7
- Right side (top): 24
- Right side (middle): 6
- Right side (bottom): 4
- Far right: ENT
- Far right (bottom): 200
- Center: 1⁵ FR.
- Bottom center: 32
- Bottom left: 30
- Bottom left (circled): 685
- Bottom left (circled): PCH.
- Bottom left (circled): 112
- Bottom left (circled): 8
- Bottom center: 14
- Bottom center: 300

[illegible]

GRADE DENOTES QUALITY OF CONSTRUCTION: A—EXCELLENT; B—GOOD; C—AVERAGE; D—CHEAP

78.8 - 4 - 27
37-216-2

19 Hunter Pl.

ASSESSMENT RECORD

RAYMOND, GRAYCE L.

LOCATION

19 HUNTER PLACE

400., --., 2,325.

VALUES	1968	1968	1972	1975	1978	1981	1986	1989	2024
LAND	1300	1300	1300	1300	1300	1300	1300	1300	1300
IMPROVEMENTS	5600	5600	5600	6200	6650	6650	6200	6200	6200
EXEMPTIONS		1300	2450	3100	4300	5000 VE	5000 VE	2500 VE	-
TOTAL	6900	5600	4450	4400	3650	2450	2000	2250	7500

OWNERSHIP

DATE

PURCHASE PRICE

PROPERTY FACTORS

OWNERSHIP	DATE	PURCHASE PRICE	STREET	IMPROVEMENTS	TOPGRAPHY
CALCUTTI, VITO N. & VIRGINIA	2/67	6500	PAVED	WATER	LEVEL
CALCUTTI, VITO & VIRGINIA TRUST / GARRETT DANLEN	9/67	16000	SEMI-IMPROVED	SEWER	HIGH
	11/18	0	DIRT	GAS	LOW
			SIDEWALK	ELECTRICITY	ROLLING
				SEPTIC TANK	SWAMPY

PERMITS

LAND VALUE COMPUTATIONS AND SUMMARY

DATE	TYPE	COST	INSPECTED	FRONT & DEPTH	UNIT PRICE	DEPTH FACTOR	FR. FT. PRICE	ADJUSTMENT
				100 x 42	50	52	2600	2600

1/31/25 - Virginia Calcutti died July 6, 2024

Euclaw Porch

Front porch was being done

6900
2450
3450

TOTAL VALUE LAND

TOTAL VALUE BUILDINGS

TOTAL VALUE LAND & BUILDINGS

2600

4200 12400

13800

15000

BUILDING VALUE CALCULATION				PRINCIPAL BUILDING DESCRIPTION				GROUND PLAN SKETCH		
ITEM NO.	AREA OR QUANT.	UNIT COST	TOTAL	BUILDING CLASS	OBSERVED PHYSICAL CONDITION				EFFECTIVE AGE	
					Good	Normal	Fair	Poor	Date	Years
Base	685	12.54	8589							
ADD	112	12.54	1404							
ADDITIONS AND DEDUCTIONS										
PCA	112	40	448							
8	685	.10	68							
8			+320							
9	25	200	-50							
TOTAL REPLACEMENT COST										
\$ 9375										
Cost Conversion Factor +150%										
Replacement Cost 15495										
DEPRECIATION AND OBSOLESCENCE										
DEPRECIATION										
a. Effective Age Depreciation	Aug 20									
b. Observed Physical Condition										
c. Total Depreciation (a+b)										
d. Net Condition (100-c)										
OBSOLESCENCE										
e. Overimprovement										
f. Underimprovement										
g. Other										
h. Net Condition (100-e+ftg)										
i. FINAL NET CONDITION (dxh)	80									
SUMMARY OF APPRAISED VALUE										
Principal Building Appraisal	11200									
Other Principal Buildings Appraisal	12400									
Accessory Buildings Appraisal	pool 400									
Total Building Appraisal	11200									
12400										
13300										

BUILDING CLASS				OBSERVED PHYSICAL CONDITION				EFFECTIVE AGE	
TYPE AND USE				ROOF				PLUMBING	
1 Family Dwelling				Type: Flat Gable				None Water Only	
2 Family Dwelling				Hip Gambrel				No. Bathrooms (3 Fix't)	
Other				Mansard				No. Toilet Rms. (2 Fix't)	
1) FOUNDATION				Roofing: Prepared Roll				No. Single Fixtures	
Concrete Walls				Built-up Asphalt or T & G				Septic Tank	
Wood or Block Piers				Wood or Comp. Shingle				8) HEATING	
Block				Metal				Stove or Unit Heaters	
Stone				4) AIR CONDITIONING				Hot Air: Pipeless	
STORIES AND ROOMS				Washed				Piped (Gravity)	
Stories 1 1 1/2 2 2 1/2 3 4 5				Refrigerated				Forced Circulation	
Split Level				Area Supplied				Steam	
B. Rooms				3) FLOORS				Hot Water or Vapor	
1s Rooms 4				Stories				Radiant, Concealed	
2s Rooms				Softwood				Fuel: Coal Gas Oil	
				Hardwood				Oil Burner Coal Stoker	
2) EXT. WALL CONSTR.				Concrete				9) BASEMENT	
Stories				Tile Fl's: Bath Kitchen				None Full	
Frame with Wood, Shingle				6) INTERIOR FINISH				Part % 22 + 30	
or Stucco Siding				Walls Unfinished				Finished:	
Concrete Block or Tile				Wallboard				Recreation %	
Stucco on Block or Tile				Plaster				Apartment %	
Brick Solid				Doors and Trim				Floor: Dirt Wood	
Brick, Veneer				Softwood				Cement	
Stone Solid				Tile Walls: Bath Kitchen				10) HALF STORY, ATTIC	
Stone Veneer				Fireplace:				Unfinished	
Other				Natural Artificial				Finished %	
								B. GAR	

DATES OF INSPECTIONS															DESCRIPTIONS, REPLACEMENT COST AND APPRAISAL OF ACCESSORY BUILDINGS																																
BLDG. IDENT.			CLASS NO.			DIMENSIONS			FOUN-DATION			FLOOR			ROOF			WALLS			HEAT			LIGHT			PLBG.			AGE			AREA			UNIT COST			REPLACE-MENT COST			NET COND. %			NET APPRAI-SAL		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42						
8/11/67																																															
VAC																																															
16																																															
pool 12 18 4																																															
Removed																																															
216 500 1080 15% 900																																															

OFFICIAL ZONING MAP
VILLAGE OF
CROTON ON HUDSON
WESTCHESTER COUNTY NEW YORK
RICHARD MAY JR. PLANNING & URBAN RENEWAL CONSULTANT PLEASANTVILLE, NEW YORK

APPROVED BY BOARD OF TRUSTEES
DEC. 14, 1961

James M. Loconto
JAMES M. LOCONTO, MAYOR

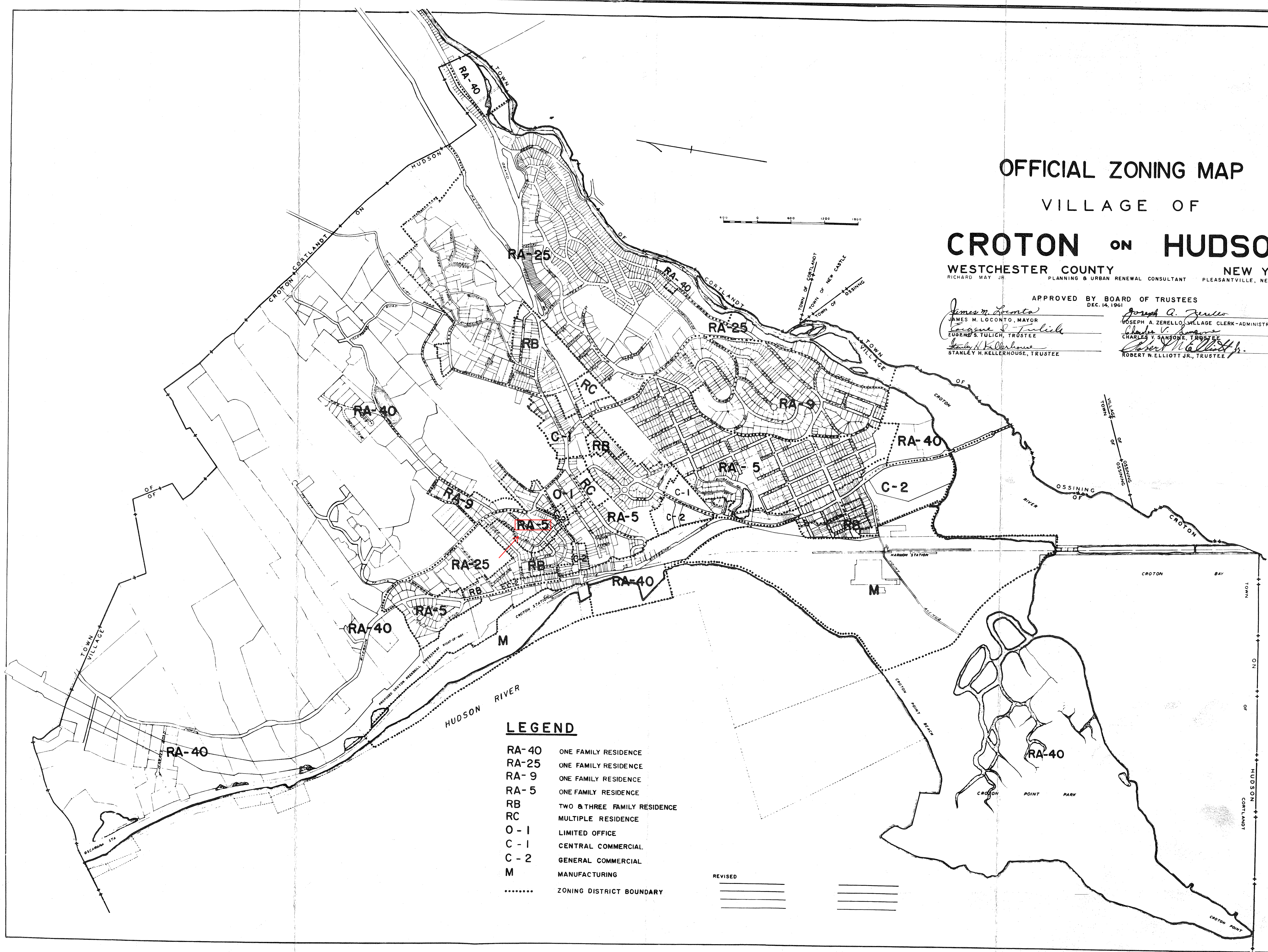
Eugene S. Tulich
EUGENE S. TULICH, TRUSTEE

Stanley H. Kellerhouse
STANLEY H. KELLERHOUSE, TRUSTEE

Joseph A. Zerello
JOSEPH A. ZERELLO, VILLAGE CLERK-ADMINISTRATOR

Charles V. Sansone
CHARLES V. SANSONE, TRUSTEE

Robert W. Elliott Jr.
ROBERT W. ELLIOTT JR., TRUSTEE



LEGEND

- RA-40 ONE FAMILY RESIDENCE
- RA-25 ONE FAMILY RESIDENCE
- RA-9 ONE FAMILY RESIDENCE
- RA-5 ONE FAMILY RESIDENCE
- RB TWO & THREE FAMILY RESIDENCE
- RC MULTIPLE RESIDENCE
- O-1 LIMITED OFFICE
- C-1 CENTRAL COMMERCIAL
- C-2 GENERAL COMMERCIAL
- M MANUFACTURING
- ZONING DISTRICT BOUNDARY

REVISED

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ZONING ORDINANCE

**Village of Croton-on-Hudson
Westchester County
New York**

AN ORDINANCE

ESTABLISHING A COMPREHENSIVE ZONING PLAN FOR THE VILLAGE OF CROTON-ON- HUDSON, NEW YORK, BY DIVIDING THE AREA THEREOF INTO VARIOUS DISTRICTS AND PRESCRIBING CERTAIN UNIFORM REGULATIONS FOR EACH DISTRICT.

WHEREAS, All the matters and things required to be done by the Village Law of the State of New York in order that the Board of Trustees of the Village of Croton-on-Hudson may avail itself of the powers conferred by said law have been complied with:

NOW, THEREFORE, The Board of Trustees of the Village of Croton-on-Hudson does hereby supplement and amend the Village of Croton-on-Hudson, New York, Zoning Ordinance, 1931, and the Building Zone Map constituting a part Thereof, adopted July 28, 1931 with all amendments to said Ordinance and Map (Except That Nothing Herein Contained Shall be Deemed To Repeal The "Excavation, Drainage and Fill Ordinance, Village of Croton-on-Hudson, N.Y.," Adopted August 13, 1959, or the "Building and Zoning Regulation Administrative and Enforcement Ordinance, Village of Croton-on-Hudson, N.Y.," dated December 19, 1957), by substituting the following Ordinance therefor:

This Ordinance shall be known and may be cited as "The 1961 Village of Croton-on-Hudson Zoning Ordinance".

ARTICLE I

Purposes

Section 1.1. Purposes. There is hereby established a new comprehensive zoning plan for the Village of Croton-on-Hudson, New York which plan is set forth in the text and maps that constitute this ordinance. Said plan is adopted for the purposes set forth in Section 177 of Article VI-A of the Village Law (Chapter 64 of the Consolidated Laws of the State of New York) which, in the interest of the protection and promotion of the public health, safety and welfare, shall be deemed to include specifically the following, among others;

- a. The facilitation of the efficient and adequate provision of public facilities and services;
- b. The provision of privacy for families;
- c. The prevention and reduction of traffic congestion and the provision of safe and adequate traffic access to uses generating large volumes of vehicles;
- d. The maximum protection of residential areas; and
- e. The gradual elimination of non-conforming uses.

ARTICLE II

Zoning Ordinance and Zoning Map

Section 2.1. List of Districts. The Village of Croton-on-Hudson is hereby divided into the following zoning districts:

Title	Symbol
One-family Residence	RA-40
One-family Residence	RA-25
One-family Residence	RA-9
One-family Residence	RA-5
Two-family Residence	RB
Multiple Residence	RC
Limited Office	O-1
Central Commercial	C-1
General Commercial	C-2
Manufacturing	M

Each such district may be designated on the Zoning Map referred to in Section 2.2, in the Bulk and Parking Schedule in Article IV, and elsewhere in the text of this ordinance by its symbol only.

Section 2.2. Zoning Map. The boundaries of the said districts are hereby established as shown on the "Zoning Map, Village of Croton-on-Hudson", dated December 14, 1961 which accompanies, and which, with all explanatory matter thereon, is hereby adopted and made a part of this ordinance. Said map, indicating the latest amendments, shall be kept up to date in the office of the Village Engineer for the use and benefit of the public.

Section 2.3. District Boundaries. In determining the boundaries of districts shown on the map, the following rules shall apply:

- 2.3.1. Unless otherwise shown, the district boundaries shall be construed to coincide with the center lines of streets, alleys, parkways, waterways and main track or tracks of railroads.
- 2.3.2. Where such boundaries are indicated as approximately following the property lines of parks or other publicly owned lands, such lines shall be construed to be such boundaries.
- 2.3.3. Unless otherwise shown, such boundaries running parallel to streets shall be construed to be 100 feet back therefrom.
- 2.3.4. In all cases where a lot in one ownership is divided by a district boundary and more than 50% of the area of such lot lies in the less restricted district, the regulations prescribed by this ordinance for the less restricted district shall apply to such portion of the more restricted district. For purposes of this section, the more restricted district shall be deemed that district which is subject to regulations which either prohibit the particular uses permitted in the district covering the remaining portion of said lot, or which regulations require higher standards with respect to set-back, coverage, yards, screening, landscaping and similar requirements.
- 2.3.5. In all cases where a district boundary line is located not farther than 15 feet away from a lot line of record, such boundary shall be construed to coincide with such lot line.
- 2.3.6. Any boundary shown extended into the Hudson or Croton Rivers shall be deemed to extend to the boundary of the Village, unless otherwise indicated.
- 2.3.7. In all other cases, where dimensions are not shown on the zoning map, the location of boundaries shall be determined by the use of the scale appearing on such map.

Section 2.4. Effect of Establishment of Districts. Following the effective date of this ordinance:

- 2.4.1. No building shall be erected, moved, altered, rebuilt or enlarged nor shall any land or building be used, designed or arranged to be used for any purpose or in any manner except in conformity with all regulations, requirements and/or restrictions specified in this ordinance for the district in which such building or land is located.

- 2.4.2. No yard or open space required in connection with any building or use shall be considered as providing a required open space for any other building or use on the same or any other lot.
- 2.4.3. No lot shall be formed from part of a lot already occupied by a building unless such building, all yards and open spaces connected therewith, and the remaining lot comply with all requirements prescribed by this ordinance for the district in which said lot is located. No permit shall be issued for the erection of a building on any new lot thus created unless such building and lot comply with all the provisions of this ordinance.
- 2.4.4. Nothing contained in this ordinance shall require any change in the plans, construction, or designated use of a building complying with existing law, a permit for which shall have been duly issued and the construction of which shall have been started on or before December 14, 1961, the date of passage of this ordinance, and the ground story framework of which, including the second tier of beams, shall have been completed within six months of the date of the permit, and which entire building shall have been completed in accordance with such plans as have been filed within one year from the date of passage of this ordinance.

ARTICLE III

District Use Regulations

(see also Article V, Supplementary Regulations,
and Article VI, Off-Street Parking, Driveways
and Off-Street Loading Facilities)

Section 3.1. One-family Residence RA-40 District

- 3.1.1. In a one-family RA-40 District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any uses except the following; and all uses and buildings shall conform with the District Bulk and Parking Regulations in Article IV and the following regulations, whichever are more restrictive:
- 3.1.1.1. The raising of field and garden crops, vineyard and orchard farming, the maintenance of nurseries, and the seasonal sale of the products thereof provided no building is erected and signs conform with 3.1.1.10 (g) below.
- 3.1.1.2. One family detached dwellings not to exceed one such dwelling on each lot, and subject to the District Bulk and Parking Regulations in Article IV.
- 3.1.1.3. Municipal Buildings, structures and uses, subject to Section 5.5.
- 3.1.1.4. Places of worship, Sunday Schools and Parochial Schools including parish houses, and philanthropic and eleemosynary institutions, hospitals and sanitariums for general medical care, nursing and convalescent homes and homes for the aged, all subject to a special permit by the Board of Appeals and the following requirements (except that no special permit shall be required for, and the following requirements shall not apply to the expansion or rebuilding on the same or contiguous site of a place of worship, Sunday School, Parochial School or parish house legally in existence on March 6, 1958):
- a. Any school permitted under this paragraph shall be a non-profit organization within the meaning of the Internal Revenue Act and shall be registered effectively as such thereunder.
 - b. Any school permitted under this paragraph shall occupy a lot with an area of not less than 3 acres.
 - c. Any philanthropic or eleemosynary institution, hospital, sanitarium, nursing or convalescent home or home for the aged permitted under this paragraph shall occupy a lot which shall have an area of not less than 5 acres and shall be housed only in a building which existed on July 28, 1931 with a total floor area of 3,000 square feet or more.
 - d. No building or part thereof shall be erected nearer than 100 feet to any street or property line.

- e. The sum of all areas covered by all principal and accessory buildings shall not exceed 20% of the area of the lot.
 - f. Courts shall conform to the requirements of paragraph 5.3.2. hereof.
- 3.1.1.5. Railroad and public utility, rights-of-way and structures necessary to serve areas within the Village, subject, however, to a special permit by the Board of Appeals and to such conditions including appropriate lot size, yard and other bulk regulations as the said Board may impose in order to protect and promote the health and safety and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed. No high voltage transmission line or tower permitted under this section shall exceed 100 feet in height or be located less than 75 feet from any residential property line.
- 3.1.1.6. Annual membership clubs, on a lot having an area of not less than 5 acres, subject to a special permit by the Board of Appeals, and provided that any such club is incorporated pursuant to the provisions of the Membership Corporation or the Benevolent Order Laws of the State of New York, catering exclusively to members and their guests; and private playgrounds, swimming pools, tennis courts and recreation buildings not conducted as business enterprises, provided that the following shall be prohibited:
- a. Outdoor entertainment, live or mechanical;
 - b. The use of outdoor public address systems for any purpose; and
 - c. Exterior lighting, other than that essential for the safety of the users of the premises.
- No building or outdoor recreational facility erected under the provisions of this paragraph shall be erected nearer than 100 feet to any street or property line.
- 3.1.1.7. Subject to a special permit by the Board of Appeals, the operation, maintenance and preservation, by a membership corporation or association, not operated for profit, of historic sites, buildings, restorations and landmarks, the maintenance and preservation of historic remains and objects and the exhibition and display of such sites, buildings, restorations, landmarks, remains and other objects to the public whether indoors or outdoors and whether or not an admission fee is charged, including uses and buildings incidental to or necessary for such operations and also including, as incidental to the foregoing uses, the retail sale of gifts, souvenirs and other appropriate goods and the sale of refreshments, meals and lodging, motel or hotel accommodations. Such special permit shall be issued upon a finding by the Board of Appeals that the proposed use is an actual and bonafide historic restoration.
- 3.1.1.8. Funeral homes, subject to a special permit by the Board of Appeals, in any building in existence on July 28, 1931 with a total floor area in excess of 3,000 square feet situated on a lot of not less than one acre, provided:
- a. There shall be adequate off-street parking space, and in no event less than set forth in Section 6.3.1.
 - b. There shall be no signs other than those permitted in Section 3.1.1.10 (g).
 - c. Visiting hours shall be prohibited after 10 P.M.
 - d. The principal building shall be located 40 feet or more from any lot or street line.
 - e. There shall be no indoor or outdoor loud-speaker system, flood lights, or other outdoor lighting except as approved by the Board of Appeals.
- 3.1.1.9. Subject to the issuance therefor of a special permit by the Board of Appeals, office buildings for editorial, business and professional offices, and research, design and development laboratories, located entirely within a building on the same lot therewith, including incidental clinics, cafeterias and recreational facilities for the exclusive use of company employees; subject to the following requirements:

- a. The following minimum bulk requirements shall be conformed with by any such office or laboratory use:

Minimum Required

Lot Area	10 acres
Lot Width	200 feet
Lot Depth	200 feet
Front Yard	50 feet
Side Yard	75 feet
Rear Yard	75 feet

Maximum Permitted

Building Height—3 stories or 40 ft.
Floor Area Ratio—0.25

- b. There shall be a minimum of 2 off-street parking spaces per 300 square feet of floor area, and in no event less than one space per employee. No parking or other paved area shall be located less than 50 feet to any property or street line, except where such parking or paved area adjoins a similar area on an adjacent lot occupied by a non-residential use.
- c. At no time shall any premises be used in such manner as to cause the emanation therefrom of offensive or noxious odors, vapors, fumes, glare, dust, smoke, gas, vibration, noise or radiation, or be used in such manner as to cause injury, offense, annoyance or disturbance to any of the surrounding properties and to their owners and occupants. Manufacturing prototypes, sales of any kind and bulk storage of manufactured products are prohibited.
- d. One sign shall be permitted, facing each street from which access to the lot is provided announcing the name or insignia, or both, of the company or companies housed in the building. Such a sign shall be applied onto the wall of the building, shall not exceed an area of 25 square feet, and shall not extend more than 12 inches beyond the said wall of such building. If illuminated at night, all light sources shall be shielded from the view of adjacent lots and streets and shall be extinguished after 9 P.M. In lieu of the above sign, one free standing sign of the same size may be erected in the front yard and 25 feet from the front lot line. Two identification signs at each point of access to the lot, with an area of not more than 3 square feet, and internal directional signs, each with an area of not more than 2 square feet, shall also be permitted.
- e. **Landscaping.** The entire lot, except for areas covered by buildings or surfaced as parking or service areas, shall be suitably landscaped as approved by the Planning Board. All landscaping shall be properly maintained throughout the life of any use on any lot.
- f. **Site Illumination.** Exterior flood lighting or other illumination shall be shielded from the view of all surrounding properties and streets. All exterior lighting, other than lighting of roads and buildings essential for safety or security reasons or required by governmental regulations, shall be extinguished not later than 9 P.M.
- g. **Approval of Site Development Plans.** Prior to the issuance of a building permit all site development plans shall require the approval of the Planning Board in accordance with the provisions of Article X, hereof.

3.1.1.10. Accessory uses, limited to the following:

- a. Customary home occupations, provided that:
- No display of goods or sign is visible from the street, except as set forth in G. below;
 - Such occupation is incidental to the residential use of the premises and is carried on by a resident thereon with no non-resident assistants; provided, however, that when the person conducting such home oc-

cupation has been legally declared blind or shall otherwise be physically handicapped to the point of being incapable of performing more than 20% of his usual regular work, he may, upon receiving a special permit from the Board of Appeals, engage the services of one assistant.

- iii. Such occupation is carried on in an area not exceeding 30% of the total floor area of the main building.
- b. Professional office or studio of an architect, artist, dentist, engineer, lawyer, musician, teacher, physician, public accountant, chiropractor, city planner, insurance broker, optometrist, osteopath, real estate broker or ladies hairdressers, but not including veterinarians, provided that:
 - i. Such office or studio is incidental to the residential use of the premises and is carried on by a resident thereon with not more than one non-resident assistant; and
 - ii. Such office or studio shall occupy not more than one floor of the main building.
 - iii. Studios where dancing or music instruction is offered to groups in excess of four pupils at one time or where concerts or recitals are held are prohibited.
- c. Garden house, tool house, playhouse, boat-house, greenhouse, or swimming pool incidental to the residential use of the premises and not operated for gain, provided that swimming pools with an area of 150 square feet or more and a depth in excess of 3 feet, shall be subject to the following requirements:
 - i. The edge of the pool shall be kept a distance of not less than 10 feet from all property lines.
 - ii. If located within 30 feet of any property line, such pool shall be screened from the view of abutting properties.
- d. Private garage, provided that only one space may be leased to a person not resident on the premises
- e. Keeping not more than one boarder or roomer.
- f. Keeping domestic animals (except pigs) for individual domestic purposes or as pets, provided not more than 3 dogs over 6 months old and not more than 25 fowl shall be permitted, and no animals (except dogs) or fowl shall be penned or housed within 50 feet of any lot line.
- g. Signs, limited as set forth in Section 5.4. and
 - i. One non-illuminated name plate or professional sign with an area of not over two square feet;
 - ii. One temporary non-illuminated sign advertising the sale or rental of the premises on which such sign is situated, with an area of not over 6 square feet.
 - iii. One indirectly illuminated bulletin board or other announcement sign for educational or religious institutions permitted in Section 3.1.1.4, with an area of not over 12 square feet.

3.1.1.11. **Approval of Site Development Plans.** The site development plan for any use permitted in this district other than one-family residences shall be subject to approval by the Planning Board accordance with the provisions of Article X, hereof.

Section 3.2. One-family Residence RA-25 District

3.2.1. In a One-family Residence RA-25 District no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

3.2.1.1. Any use permitted in One-Family Residence RA-40 Districts and subject to all regulations therefor.

Section 3.3. One-family Residence RA-9 District

3.3.1. In a One-family Residence RA-9 District no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

3.3.1.1. Any use permitted in One-family Residence RA-40 Districts, and subject to all regulations therefor.

Section 3.4. One-family Residence RA-5

3.4.1. One-family Residence RA-5 District. In a One-family Residence RA-5 District no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

3.4.1.1. Any use permitted in One-family Residence RA-40 Districts, and subject to all regulations therefor.

Section 3.5. Two-Family Residence RB District

3.5.1. In a Two-Family Residence RB District no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

3.5.1.1. Any use permitted in One-Family Residence RA-40 Districts, and subject to all regulations therefor.

3.5.1.2. Two Family dwellings.

3.5.1.3. Boarding or rooming house in which not more than three persons, in addition to the family residing therein, are housed or lodged for compensation with or without meals.

Section 3.6. Multiple Residence RC Districts

3.6.1. In a Multiple Residence RC District no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

3.6.1.1. Any uses permitted in One-Family Residence RA-9 Districts except that:

Not more than one professional office or studio, other than accessory to a use otherwise permitted, shall be permitted for each 20 dwelling units or major fraction thereof on the lot. Such office or studio shall be only on the street floor of any building and on the floor immediately above the street floor only if there be direct access to such office or studio from outside the building.

3.6.1.2. Dwelling for four or more families, provided that the entire lot occupied by such dwelling shall be maintained in single ownership throughout the life of the building.

3.6.2. Approval of Site Development Plans. All site development plans for buildings containing more than 2 dwelling units shall be subject to approval by the Planning Board in accordance with the provisions of Article X hereof.

Section 3.7. Limited Office O-1 District

3.7.1. In a Limited Office O-1 District no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

3.7.1.1. Any use permitted in an RB District.

3.7.1.2. Business and professional offices, and research, design and development laboratories, located entirely within a building on the same lot therewith, including accessory uses thereto. At no time shall any premises be used in such

manner as to cause the emanation therefrom of offensive or noxious odors, vapors, fumes, glare, dust, smoke, gas, vibration, noise or radiation, or be used in such manner as to cause injury, offense, annoyance or disturbance to any of the surrounding properties and to their owners and occupants. Manufacturing of any kind, sales of any kind and bulk storage of manufactured products are prohibited.

3.7.1.3. One non-illuminated sign facing street and not exceeding an area of 5 square feet.

3.7.1.4. Approval of Site Development Plans. Prior to the issuance of a building permit all site development plans shall require the approval of the Planning Board in accordance with the provisions of Article X, hereof.

Section 3.8. Central Commercial C-1 District

3.8.1. In a Central Commercial C-1 District, no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

- a. Retail stores and banks.
- b. Personal service stores such as, but not limited to, barber shops, beauty parlors and tailors.
- c. Business, professional or governmental offices.
- d. Service establishments furnishing services other than of a personal nature.
- e. Theatres and restaurants.
- f. Outlets and pick-up stations for laundries and cleaning establishments excluding washing of wearing apparel on the premises. Cleaning of wearing apparel or household effects on the premises shall be permitted only if non-combustible solvent is used except for the incidental removal of spots with combustible solvent.
- g. Newspaper printing, including incidental job printing, provided that not more than 10 employees are engaged in such production or processing.
- h. Signs, accessory to an establishment located on the same lot, provided such signs shall be limited as set forth in Section 5.4. and as follows:
 - (1) Not more than one such sign shall be permitted for each tenant on the premises on each wall fronting on a street;
 - (2) The aggregate area, in square feet, of all signs on any wall shall be not greater than two times the length in feet of such wall;
 - (3) Such sign or signs shall be parallel to the face of the building and no part thereof, including any illuminating devices, shall project more than 24 inches above or 12 inches beyond the face of the wall to which applied nor any distance beyond the building in any other direction.
 - (4) In addition, where the building is set back from the front lot line a distance of 25 feet or more, not more than one free-standing sign, with a total area on each face of not more than 40 square feet, may be erected not nearer than six feet to any building.
- i. Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products where goods so produced or processed are to be sold at retail, exclusively on the premises; provided that:
 - (1) An area fully concealed from any street and equal to not more than 50% of the total floor area shall be so used;
 - (2) Not more than ten employees are engaged in such production or processing.
- j. Commercial parking lots and storage garages, exclusive of any automobile repair or fuel sales.
- k. Hospitals for human beings, clubs, schools, and places of worship.
- l. Motor vehicle service stations; but only, by special permit of the Board of Appeals and subject to the following regulations:
 - (1) The minimum lot size for such service stations shall be 20,000 square feet, and the minimum street frontage shall be 150 ft.

- (2) Entrance and exit driveways shall have an unrestricted width of not less than 16 feet, shall be located not nearer than 10 feet from any property line and shall be so laid out as to avoid the necessity of any vehicle entering the property to back out across any public right-of-way or portion thereof.
- (3) Vehicle lifts or pits, dismantled and disabled automobiles or used cars for sale and all parts or supplies shall be located within a building enclosed on all sides.
- (4) All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in a building fully enclosed on all sides. This requirement shall be construed to mean that the doors to any repair shop must be kept closed at all times.
- (5) The storage of gasoline or flammable oils in bulk shall be located fully underground and not nearer than 35 feet from any property line other than the street line.
- (6) No gasoline pumps shall be located nearer than 15 feet to any street line.
- (7) No building permit for a motor vehicle service station shall be issued within a distance of 200 feet of any school, church, hospital or place of public assembly designed for the simultaneous use and occupancy by more than 100 persons; the said distance to be measured in a straight line between the nearest points of each of the lots or premises, regardless of the district where either premises are located.

m. Public utility structures.

- 3.8.2. All permitted uses and all storage accessory thereto; other than off-street parking and gasoline pumps, and public utility structures shall be carried on in buildings fully enclosed on all sides.
- 3.8.3. Approval of Site Development Plans. All site development plans shall be subject to approval by the Planning Board in accordance with the provisions of Article X, hereof.

Section 3.9. General Commercial C-2 District

- 3.9.1. No building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following.
 - a. Any use permitted in a Central Commercial C-1 District, as set forth in Section 3.8.1.
 - b. Research laboratories.
 - c. Drive-in-theatre, bowling alley, billiard hall, miniature golf course, and similar amusement establishments.
 - d. Storage or repair garages.
 - e. Wholesale storage and warehousing.
 - f. Subject to the issuance therefor of a special permit by the Board of Appeals, the following uses:
 - (1) Animal hospital
 - (2) Hotel (including rooming or boarding house), or motel, provided there shall be not more than 20 rental rooms or units per acre.
 - (3) Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products for sale on or off the premises, provided that not more than twenty-five (25) persons shall be engaged in such activity; and provided, further that only oil, gas or electricity is used as a fuel, except that an installation using other fuel, may be used upon a finding by the Village Engineer that such installation shall be free of nuisance characteristics and will have no adverse effect on neighboring uses.
- 3.9.2. All permitted uses and all storage accessory thereto, other than off-street parking and gasoline pumps, drive-in theatres, miniature golf courses and similar

amusement establishments and public utilities structure, shall be carried on in buildings fully enclosed on all sides.

- 3.9.3. **Accessory Signs.** As permitted in the Central Commercial C-1 District as set forth in Section 3.8.1.h.
- 3.9.4. **Approval of Site Development Plans.** All site development plans shall be subject to approval by the Planning Board in accordance with the provisions of Article X, hereof.
- 3.9.5. **Theatre Signs.** In lieu of signs other than a sign permitted by Section 3.8.1. h. (4) and subject to the requirements of Section 5.4, a drive-in-theatre may have (a) the name of the theatre on a sign affixed to the theatre screen structure on the reverse side of the screen and (b) a supplementary sign on that same face announcing the feature attraction or attractions and containing other information customarily contained in theatrical announcements, or the opening or closing date of the theatre.

Section 3.10. Manufacturing M. District

- 3.10.1. No building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:
- a. Any use permitted in C-2 Districts.
 - b. Seaplane anchorage, hangar, heliport, marina, and airport.
 - c. Railroad yards and repair facilities.
 - d. Trucking terminals and freight stations.
 - e. Building contractors' equipment, building supply and lumber yards, but excluding second hand lumber and junk yards, automobile dismantling or storage of used parts of automobiles or other machines or vehicles or of dismantled or junked automobiles.
 - f. Public utility structures and power plants using oil, gas or nuclear fuels.
 - g. Manufacturing, assembly, converting, altering, finishing, cleaning or any other processing or storage of products or materials, involving the use of only oil, gas or electricity for fuel, and which operation, in the opinion of the Board of Appeals, will not create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, radioactive, or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; electromagnetic or other disturbance, glare, harmful discharge, storage or dispersal of liquid or solid wastes; in a manner or amount as to adversely affect the surrounding area.
- 3.10.2. **Accessory Signs.** One sign shall be permitted facing each street from which access to the lot is provided announcing the name or insignia, or both, of the company or companies housed in the development on the lot. Such sign shall be applied onto the wall of the building, shall not exceed an area of 50 feet, and shall not extend beyond the said wall in any direction. If illuminated at night all light sources shall be shielded from the view of adjacent lots and streets and shall be extinguished not later than 9 p.m. One identification sign at each point of access to the lot, with an area of not more than 3 square feet, and internal direction signs, each with an area of not more than 2 square feet, shall also be permitted.
- 3.10.3. **Uses Prohibited.** The following uses are prohibited:
- 3.10.3.1. The following manufacturing uses and processes:
- a. Manufacturing uses involving primary production of the following products from raw materials:
Asphalt, cement, charcoal, and fuel briquettes. Chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, cresote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn, and hydrochloric, nitric, phosphoric, picric and sulphuric acids. Coal, coke, and

tar products, including gas manufacturing, explosives, fertilizers, gelatin, glue and size (animal). Linoleum and oil cloth; matches, paint, varnishes, and turpentine. Rubber (natural or synthetic); soaps, including fat rendering; starch.

b. The following manufacturing processes: nitrating of cotton or other materials; milling or processing of flour, feed, or grain; magnesium foundry; reduction, refining, smelting, and alloying of metal or metal ores; refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha, lubricating oil; distillation of wood or bones; reduction and processing of wood pulp and fiber, including papermill operations.

c. However, where it can be conclusively demonstrated to the Board of Appeals that the operation of any proposed manufacturing use listed in a and b above will not create any of the dangerous or objectionable elements set forth in Section 3.10.1.g. above, the Board may grant a special permit for such use.

3.10.3.2 Operations involving stock yards and slaughter houses, grain elevators, and slag piles.

3.10.3.3. Storage of explosives. Bulk or wholesale storage of gasoline above ground.

3.10.3.4. Dumps, except those owned and operated by the village and junk yards.

3.10.3.5. Quarries, stone crushers, screening plants, and storage of quarry screenings, accessory to such uses.

3.10.3.6. Trailer camps and summer colonies.

3.10.4. Approval of Site Development Plans. All site development plans shall be subject to approval by the Planning Board in accordance with the provisions of Article X, hereof.

ARTICLE IV

District Bulk and Parking Regulations

Section 4.1. District Bulk and Parking Regulations. The following schedules of regulations applying to the area of lots, the height of buildings, the yards and other open spaces to be provided, off-street parking spaces, minimum floor areas, and all other matters contained therein, as indicated for the various districts established by this ordinance, are hereby adopted and declared to be a part of this ordinance.

4.1.1. Bulk and Parking Regulations for One-family Residence Districts RA-40, RA-25, RA-9 and RA-5.

(See also Article III, District Use Regulations; Article V, Supplementary Regulations; Article VI, Off-Street Parking, Driveways and Loading Facilities; and Article VIII, Definitions)

Minimum Required:	For Uses In:			
	RA-40	RA-25*	RA-9*	RA-5*
Lot Area (Sq.Ft.)	40,000	25,000	9,375	5,000
Lot Width (Ft.)	150	125	75	50
Lot Depth (Ft.)	200	150	125	100
Front Yard (Ft.)	50	40	25	15
One Side Yard (Ft.)	30	20	12	8
Both Side Yards (Ft.)	80	50	30	20
Rear Yard (Ft.)	40	30	30	25
Livable Floor Area/Dwelling Unit				
Total (Sq. Ft.)	1,400	1,200	1,000	880
Main Floor (Sq. Ft.)	880	880	880	—
Off-Street Parking Spaces per Dwelling Unit	2	2	2	2
Maximum Permitted:				
Building Height				
Stories	2½	2½	2½	2½
Feet	35	35	35	35
Building Coverage	20%	25%	35%	40%

* All permitted non-residential uses shall conform with the regulations for such uses in RA-40 Districts.

4.1.2. Bulk and Parking Regulations for Two-Family Residence RB District, and Multi-Family Residence RC Districts.

(See also Article III, District Use Regulations; Article V, Supplementary Regulations; and Article VI, Off-Street Parking, Driveways and Loading Facilities; and Article VIII, Definitions)

(See Note)	One-Family Residence In RB Districts	Two-Family Residence	One-Family Residence In RC District	Multi-Family Residence
Minimum Required:				
Lot Area (Sq.Ft.)				
Total	5,000	—	9,375	4 Acres
Per Dwelling Unit	—	2,500	—	3,000
Lot Width (Ft.)	50	75	75	200
Lot Depth (Ft.)	100	100	125	200
Front Yard (Ft.)	20	20	25	40
One Side Yard (Ft.)	8	12	12	25
Both Side Yards (Ft.)	20	30	30	50
Rear Yard (Ft.)	25	30	30	30
Livable Floor Area per Dwelling Unit				
Total (Sq. Ft.)	880	600	1,000	600
Main flr. (Sq. Ft.)	—	—	880	—
Off-Street Parking Spaces per DU	2	1	2	1½
Usable Open Space per Dwelling Unit	—	400	—	400
Maximum Permitted:				
Building Height				
Stories	2½	3	2½	2
Feet	35	35	35	30
Building Coverage	40%	40%	35%	30%

NOTE: All permitted non-residential uses shall conform with the regulations for such uses in RA-40 Districts.

4.1.3. Bulk and Parking Regulations for Limited Office O-1

District, Central Commercial C-1 District, General Commercial C-2 District, and Manufacturing M District.

(See Article III, District Use Regulations; Article V, Supplementary Regulations; and Article VI, Off-Street Parking, Driveways and Loading Facilities; and Article VIII Definitions)

	For All Permitted Uses In:			
	O-1	C-1	C-2	M
Minimum Required				
Lot Area (acres)	—	—	—	2
Lot Width (Ft.)	100	25	50	200
Lot Depth (Ft.)	100	—	—	200
Front Yard (Ft.)	20	—	10	50
Side Yard (Ft.)	10	None required, but 10 ft. minimum if provided		20
Side Yard for lots within 25 ft. of a Residence District Boundary (Ft.)	—	10	10	50
Rear Yard (Ft.)	20	None required, but 10 ft. minimum if provided		30
Rear Yard for lots within 25 ft. of a Residence District Boundary (Ft.)	30	30	30	50
Off-Street Parking Spaces:				
Per 300 Sq.Ft. of floor area	1	1	2	1
Per Employee (whichever is greater)	1	—	—	1
Maximum Permitted:				
Building Height				
Stories	2½	2	2 One-half the distance to nearest lot line	
Feet	35	35	35	
Floor Area Ratio	—	2.0	2.0	0.5

ARTICLE V

Supplementary Regulations

Section 5.1. Supplementary Regulations Applying to Residence Districts.

5.1.1. Accessory Buildings. An accessory building may be located in any required side or rear yard provided:

5.1.1.1. Such building shall not exceed 15 feet in height.

5.1.1.2. Such buildings shall be set back not less than 5 feet from any lot line.

5.1.1.3. All such buildings in the aggregate shall not occupy more than 30% of the area of the required rear and side yards.

Accessory Buildings on adjoining lots constructed at the same time may be located in pairs or groups in the required rear or side yard along the common side lot line or rear lot line of contiguous lots.

5.1.2. Relation of Accessory Buildings to Streets. No accessory building shall project nearer to the street on which the principal building fronts than such principal building. Should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of garages, or if the principal building does not face upon the street or for that or other reason related to topography or the characteristics of the neighborhood the requirement that accessory buildings project nearer to the street than such principal building is not appropriate, the Board of Appeals may authorize the issuance of a special permit for the erection of such garage or other accessory building which may project nearer to the street than such principal building, the normal front yard set-back requirements for a principal building to apply to such garage or accessory building unless the Board of Appeals shall specify otherwise, and except that the Board of Appeals may authorize the issuance of a special permit for the erection of garages within not less than 10 feet of the street line where the natural slope of the ground within 25 feet of such line is between 12% and 20% and within not less than 5 feet of the street line where such slope within 25 feet of such line exceeds 20%.

5.1.3. Corner lots

5.1.3.1. Obstruction to Vision at Street Intersections.

At all street intersections in all Residence Districts no obstructions to vision exceeding 30 inches in height above curb level shall be erected or maintained on any lot within the triangle formed by the street lines of such lot and a line drawn between points along such street lines 30 feet distant from their point of intersection, except tree trunks cleared to a height of 8 feet.

5.1.3.2. Rear and Side Yards. On a corner lot, front yards are required on both street frontages, and one yard other than the front yards shall be deemed to be a rear yard and the other or others, side yards. The minimum district requirements for each shall be complied with.

5.1.4. Exceptions to Lot Depth Requirements. The minimum lot depth at any point may be decreased to 75% of the minimum requirement if the average depth conforms with the minimum requirement.

5.1.5. Exceptions to Yard Requirements

5.1.5.1. Permitted Obstructions. Cornices or cantilevered roofs may project not more than two feet into a required yard. Belt courses, window sills and other ornamental features may project not more than 6 inches into a required yard. Fences or walls not over 5 feet in height or less than 25% solid may be erected anywhere on the lot, except as set forth in Section 5.1.3.1. Fences or walls with a height in excess of 5 feet and more than 25% solid shall conform to the requirements set forth herein for buildings. Paved terraces, steps, and walks (other than such as are needed for access to the buildings on the lot) shall not project within

15 feet of a street line or four feet of a property line.

5.1.5.2. **Entries and Porticos.** A roofed-over but unenclosed projection in the nature of an entry or portico, not more than eight feet wide and extending not more than six feet out from the front wall of the building shall be exempt from the requirements of this section when the building otherwise complies with the regulations of this section. In computing the average setback the presence of such entries and porticos shall be ignored.

5.1.5.3. **Existing Set-Back.** No proposed one-family or two-family dwelling need have a front yard greater than the average set-back of two or more existing dwellings located within 300 feet on each side of the said proposed dwelling, on the same side of the street and within the same block and the same district.

5.1.6. **Exceptions to Height Requirements for Office Buildings and Laboratories.** District height limitations shall not apply to chimneys, antennas, ventilators, skylights, water tanks, bulkheads, cooling towers, necessary mechanical appurtenances and similar features usually carried above the roof level, in office or laboratory buildings, provided that:

- a. The aggregate area covered by all such features shall not exceed 20% of the area of the roof of the building on which they are located;
- b. The height of each such feature shall not exceed 15 feet above the district height limitations; and
- c. All such features except antennas shall be suitably screened in a manner which is in harmony with the building of which they are a part.

5.1.7. **Existing Small Lots in All RA and RB Districts.** A lot owned individually and separately, and separated from any adjoining tracts of land on January 22, 1962, which has a total area or width less than prescribed herein may be used for a one-family residence in RA Districts and a two-family residence in RB Districts, provided such a lot shall be developed in conformity with all applicable district regulations, other than the minimum lot area and lot width requirements, and with the minimum side yards set forth below:

For One-Family Residence in:	For Lots With Width (in feet)		Minimum Side Yard (in feet)	Total Both Side Yards (in feet)
	At Least or More than	Less Than		
RA-40	100	125	20	45
RA-25	75	100	15	40
RA-9	50	75	8	20
RA-5	—	50	5	13
RB				
For Two-and Three-Family Residence in RB	50	75	8	20

5.1.8. **Uniformity of Design in All RA and RB Districts.** Except as provided in this ordinance, no building permit shall be issued for the erection of any building on land within any RA or RB District, if it is like or substantially like any neighboring building existing or for which a building permit has been issued. To be deemed unlike any such building a proposed building shall differ therefrom in the following respects:

5.1.8.1. Relative location of windows in the front elevation or in each of both side elevations with respect to each other and with respect to any door, chimney, porch or attached garage in the same elevation;

5.1.8.2. In the front elevation, both (a) relative location with respect to each other of garage, if attached, porch, if any, and the remainder of the building and (b) either the limits of the main roof, measured from the elevation of the first floor to the roof ridge, or, in the case of a flat roof, the highest point of the roof beams, or (c) width of said portion of the building if it has a gable in the front elevation, otherwise length of said roof ridge or said flat roof in the front elevation; and

5.1.8.3. One of the following:

- a. Height of the main roof ridge, or, in the case of a building with a flat roof, the highest point of the roof beams above the elevation of the first floor;
- b. Height of the main roof ridge above the top of the plate (all flat roofs shall be deemed identical in dimension);
- c. Length of the main roof ridge, or, in the case of a building with a flat roof, length of the main roof;
- d. Width between outside walls at the ends of the building measured under the main roof at right angles of the length thereof.

Buildings shall be deemed to be like each other in any dimension with respect to which the difference between them is not more than two (2) feet.

Except as provided hereinafter, in relation to the premises with respect to which the permit is sought, a building shall be deemed to be a neighboring building if such building is located on any lot fronting on the same street as the proposed building which is the first, second or third lot next along said street in either direction from the said proposed building or which is any lot directly across the street from the proposed building lot or from any lot referred to hereinafter. In order to promote harmonious arrangement of buildings, at the option of the builder, any building may be like, but reversed from, any one building either immediately adjacent on one side only or directly across the street.

The Planning Board may vary or waive in their entirety any or all requirements of this section wherever, in their opinion, the overall layout of the neighborhood, road pattern, set back variations, grading, observation of natural features, views and exposures and siting on individual structure is such as to prevent monotony of architectural design despite the similarity of the structures themselves, and thus avoid any of the hereinbefore listed harmful effects of excessive general uniformity of design.

Section 5.2. Supplementary Regulations Applying to Multiple Residence RC District

5.2.1. **Exceptions to Yard Requirements.** Garages so designed as to allow the use of the roof thereof as part of the grounds may be erected in side or rear yards, not nearer than 4 feet to any property line, provided the average height of such wall or walls thereof which face a side lot line or a rear lot line is not in excess of 6½ feet above the average level of such lot line.

The side yard provision may be eliminated, but not reduced, along any portion of a lot line where a building erected on an adjoining lot is built to the lot line, provided that the second side yard shall be increased to a minimum width of two times the width otherwise required.

5.2.2. **Exceptions to Maximum Coverage Regulations.** Where the Board of Appeals finds that the provision of the required off-street parking space underneath the principal building or in such a way as to enable the roof thereof to be used as part of the grounds would be impractical, such Board may authorize the issuance of a special permit allowing accessory garages to cover an additional 10% of the area of the lot. Garages designed to enable the roof thereof to be used as part of the grounds shall be exempt from any coverage limitation.

5.2.3. **Length of Buildings.** No building shall exceed a length of 160 feet.

5.2.4. **Distance Between Buildings.** The following minimum distances between buildings shall be observed:

5.2.4.1. Between a principal building, other than a one-family dwelling, and a one-story accessory building: 20 feet.

5.2.4.2. Between any two other buildings: a distance equal to the average height of such buildings at the points where such buildings are nearest one to the other.

5.2.4.3. Notwithstanding any other provision, and except as provided hereinafter no building on any

lot shall intrude into the area enclosed by an arc of a circle with a radius of 60 feet extending 70 degrees on each side of a line perpendicular to the center of any legally required window (other than a bathroom or kitchen window), and the exterior radii of such arc. All measurements shall be performed in horizontal projection at the sill level of the subject window. This limitation shall not apply to any wall of the same building the plane of which intersects the plane of the wall in which the subject window is located at an exterior angle of more than 80 degrees. A minimum distance of 60 feet shall be maintained between the subject window and any wall parallel thereto, whether such wall is a part of the same or of another building on the same lot.

5.2.5. Courts

5.2.1. Inner Courts. Are prohibited.

5.2.5.2. Outer Courts. The minimum width of an outer court shall be 20 feet and the depth thereof shall not exceed its width.

Section 5.3. Supplementary Regulations Applying to Non-Residential Buildings.

5.3.1. Supplementary Height Regulations in RC, C-1, C-2 and M Districts. In RC, C-1, C-2, and M Districts, except for one- or two-family dwellings, where a lot has frontage on two or more streets or other public ways, the height limitation shall apply only as measured from the curb level along the street or way with a higher elevation above sea level.

When penthouses, etc., are over twelve feet high and cover more than twenty percent of the roof area, measurements must be taken to the top of such penthouses or bulkheads. All penthouses, bulkheads, etc., must be ten feet back of the front and rear walls of a building and three feet back of the side walls, except that walls of elevators and stair enclosures may be built on the side wall when required by the plan of the building.

5.3.2. Courts for Non-Residential Buildings

5.3.2.1. Inner Courts. No inner court shall have a minimum dimension less than one-half ($\frac{1}{2}$) of the average height of all surrounding walls.

5.3.2.2. Outer Courts. The minimum width of an outer court shall be 20 feet and the depth thereof shall not exceed its width.

Section 5.4. Supplementary Sign Regulations.

5.4.1. No sign, billboard, advertising display or structure, poster or device shall be erected, moved, enlarged or reconstructed except as expressly permitted in this ordinance.

5.4.2. The following types of signs or artificial lighting are prohibited:

- a. Billboards
- b. Flashing signs, including any sign or device on which the artificial light is not maintained stationary, and constant in intensity and color, at all times when in use.
- c. Signs which compete for attention with, or may be mistaken for, a traffic signal.
- d. The outlining by direct illumination of all or any part of a building such as a gable, roof, side, wall or corner.
- e. Representational signs designed so as to physically represent in two or three dimensions, the object advertised.

Section 5.5. Municipal Buildings, Structures and Uses. The height and bulk limitations contained in Articles IV and V of this Ordinance shall not apply to any municipal building, structure or use in connection with a municipal governmental function where there exists an engineering or other reason related to the particular site, building and use proposed in respect of which the opinion in writing of an independent engineer or expert shall have been obtained to the effect that the proposed building, structure or use will better serve its municipal function if it is carried out in a manner which is not in strict conformity with such height and bulk limita-

tions; provided, however, that notwithstanding the non-applicability of the height and bulk limitations in the circumstances set forth, any building, structure or use to which this subdivision applies shall be authorized only by a resolution of the Board of Trustees which shall include (1) findings of fact setting forth the engineering or other reason and the Board's determination to the effect above set forth; (2) the Board's determination that the building, structure or use is for the purpose of carrying out a municipal governmental function; (3) referring to the opinion in writing of an independent engineer or expert with respect to the proposed building, structure or use, and setting forth the substance of such opinion and the Board's determination that it complies with the foregoing provision; (4) the Board's determination that the proposed building, structure or use will be in general harmony with the general purposes and intent of this Ordinance, considered in the light of the over-all health and welfare of the Village and that it will not be detrimental to the public welfare and (5) prescribing such limitations and conditions with respect to the building, structure or use as the Board of Trustees may deem necessary or desirable.

ARTICLE VI

Off-Street Parking, Driveways and Loading Facilities

Section 6.1. Permitted Accessory Parking.

6.1.1. Off-Street parking spaces, open or enclosed, are permitted accessory to any use. One commercial vehicle with less than 3/4 ton capacity may be parked within a private garage or a lot in any residence district.

6.1.2. Trailer and Boats. Use of a trailer by any person or persons is hereby prohibited in all residence districts. One boat may be parked on any occupied lot not nearer than 8 feet to the side or rear lot line and not farther than 20 feet from the rear lot line of such lot.

6.1.3. Driveways. No driveway shall provide access to a lot located in another district, which lot is used for any use prohibited in the district in which such driveway is located.

6.1.3.1. The level of a sidewalk may be raised or lowered not more than six inches for the construction of a driveway. The surface of the driveway shall be substantially level where it crosses the sidewalk and the transitions between sidewalk and driveway levels shall be constructed with gradual and uniform grades.

6.1.4. Sidewalks. As a condition to the issuance of a Certificate of Occupancy all existing sidewalks must be repaired and left in a safe and presentable condition.

Section 6.2. Permitted Accessory Loading Berths

6.2.1. Off-street loading berths, open or enclosed are permitted accessory to any use except residences for one or two families. However, no off-street loading berth shall be located in a front yard, and within a Residence District no loading berth shall be located less than 50 feet from any adjacent Residential lot.

Section 6.3. Required Off-Street Parking Spaces

6.3.1. Schedule of Requirements: Accessory off-street parking spaces, open or enclosed, shall be provided for any lot as specified in Article IV, Bulk and Parking Regulations, and as specified below for each use in any district. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these regulations.

For:	At Least One Parking Space for Each:
Places of worship,	200 Square feet of floor area,
libraries and other public	but not less than one space for
buildings	each five seats where provided.*
Schools	12 seats or students.
Hospitals	2 per bed.

Sanitariums, nursing homes and homes for the aged	1 bed.
Rooming houses	Guest room
Eating and drinking places	5 seats
Theatres	5 seats
Undertakers	2 employees, plus 5 spaces for each chapel.
Hotels	Guest room
Bowling Alleys	1/2 alley
Home Occupation or Professional Office	3 spaces for each establish- ment or practitioner.

* The Planning Board may waive these requirements in the case of the expansion of an existing use on a lot occupied by such use prior to the date of adoption of this ordinance.

6.3.2. Areas Computed as Parking Spaces. Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport, or other area available for parking, other than a street or a driveway. However, a driveway within a required front yard for a one-family or two-family residence may count as one parking space, other than a driveway located on a portion of a corner lot upon which an obstruction may not be placed or maintained under Section 5.1.3.1.

6.3.3. Location and Ownership of Required Accessory Parking Facilities. Required accessory parking spaces, open or enclosed, may be provided upon the same lot as the use to which they are accessory, or elsewhere provided all spaces therein are located within 500 feet walking distance of such lot. In all cases such parking spaces shall conform to all the regulations of the district in which they are located; and in no event shall such parking spaces be located in any Residence District unless the uses to which they are accessory are permitted in such districts, or by special permit of the Board of Appeals. Such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restriction, filed with the County Clerk, binding the owner and his heirs and assigns to maintain the required number of spaces available either (a) throughout the existence of such use to which they are accessory or (b) until such spaces are provided elsewhere.

6.3.4. Size of Spaces. Three hundred square feet shall be considered one parking space (to provide room for standing area and aisles for maneuvering). Entrance and exit roadways shall not be computed as parking space except for one-family and two-family residences as in Section 6.3.2.

6.3.5. Access. Unobstructed access to and from a street shall be provided. Such access shall consist of at least one 10-foot lane for parking areas with less than 20 spaces, and at least two 10-foot lanes for parking areas with 20 spaces or more.

6.3.6. Drainage and Surfacing. All open parking areas shall be properly drained and all such areas of over 10 spaces shall be provided with a dustless surface, except for parking spaces accessory to a one-family or two-family residence.

6.3.7. Joint Facilities. Required parking spaces, open or enclosed, may be provided in spaces designed to serve jointly two or more establishments whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall be not less than the total required for all such establishments.

6.3.8. Combined Spaces. When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Board of Appeals may reduce the total parking spaces required for that use with the least requirement.

Section 6.4. Supplementary Regulations for Parking and Loading Facilities.

- 6.4.1. **Access Near Street Corners.** No entrance or exit for any accessory off-street parking area with over 10 parking spaces, nor any loading berth, shall be located within 50 feet of the intersection of any 2 street lines.
- 6.4.2. **On Lots Divided by District Boundaries.** When a lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of parking spaces or loading berths shall apply to all of the lot. Parking spaces or loading berths on such a lot may be located without regard to district lines, provided that no such parking spaces or loading berths shall be located in any Residence District, unless the use to which they are accessory is permitted in such district, or by special permit of the Board of Appeals.
- 6.4.3. **Supplementary Parking Regulations in the Multiple Residence RC District.** In the RC District, wherever space is provided for the parking of ten or more vehicles in the open, such spaces shall be individually identified by means of pavement markings and shall be screened by a substantial solid wall or fence or thick hedge 6½ feet in height above the average finished grade of the parking area. No parking space shall be located in any front yard or within 10 feet of any lot line in side or rear yards. The parking of motor vehicles within 15 feet of any wall or portion thereof of a two or more family dwelling, which wall contains legal windows (other than legal bathroom or kitchen windows) with a sill height of less than 8 feet above the level of the said parking space is prohibited. No service of any kind shall be permitted to be extended to users of the lot, including automobile service, repair or refueling, and no gasoline, oil, grease or other supplies shall be stored or sold in any such lot or in any garage on such lot.
- 6.4.4. **Supplementary Regulations for Any Parking Spaces Adjacent to Residence Districts.**
- 6.4.4.1. Wherever a parking lot abuts the side or rear lot line of a lot in a Residence District, the said parking lot shall be screened from such adjoining lot by a substantial wall or fence, or thick hedge, with a height of not less than 6½ feet.
- 6.4.4.2. Wherever a parking lot is located across the street from other land in any Residence District, it shall be screened from the view of such land by a thick hedge located along a line drawn parallel to the street and a distance of 20 feet therefrom, such hedge to be interrupted only at points of ingress and egress. The open area between such hedge and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the same street.
- 6.4.4.3. Identification and directional signs shall not exceed an area of 3 square feet each and shall be limited to such as are essential for the particular use.

ARTICLE VII

Non-Conforming Buildings and Uses

Section 7.1. Non-Conforming Buildings and Uses. Subject to the provisions of Section 7.1.6., the following provisions shall apply to all buildings and uses existing on the effective date of this ordinance, which buildings and uses do not conform to the requirements set forth in this ordinance; to all buildings and uses that become non-conforming by reason of any subsequent amendment to this ordinance and the zoning map which is a part thereof; and to all conforming buildings housing non-conforming uses:

- 7.1.1. Any non-conforming use, except those non-conforming uses specified in Section 7.1.5, be continued indefinitely, but:

7.1.1.1. Shall not be enlarged, extended, reconstructed or placed on a different portion of the lot or

parcel of land occupied by such uses on the effective date of this ordinance, nor shall any external evidence of such use be increased by any means whatsoever; or

- 7.1.1.2. Shall not be changed to another non-conforming use without a special permit from the Board of Appeals, and then only to a use which, in the opinion of said Board, is of the same or a more restricted nature; or
- 7.1.1.3. Shall not be reestablished if such use has been discontinued for any reason for a period of one year or more, or has been changed to, or replaced by, a conforming use. Intent to resume a non-conforming use shall not confer the right to do so.
- 7.1.2. Except as provided in paragraph 7.1.4. below, no building which houses a non-conforming use shall be:
 - 7.1.2.1. Structurally altered or enlarged; or
 - 7.1.2.2. Moved to another location where such use would be non-conforming; or
 - 7.1.2.3. Restored for other than a conforming use after damage from any cause exceeding 50% of the replacement cost of such building, exclusive of foundations. Any such building, damaged to a lesser extent may be restored, but not enlarged, and the non-conforming use reinstated within one year of such damage; if the restoration of such building is not completed within the said one year period, the non-conforming use of such building shall be deemed to have been discontinued, unless such non-conforming use is carried on without interruption in the undamaged portion of such building.
- 7.1.3. Normal maintenance and repair, structural alteration in, and moving, reconstruction or enlargement of a building which does not house a non-conforming use, but is non-conforming as to the district regulations for lot area, lot width, front yard, side yard, rear yard, maximum height, maximum lot coverage, or minimum livable floor area per dwelling, is permitted if the same does not increase the degree of, or create any new, non-conformity with such regulations in such building.
- 7.1.4. Nothing in this Article shall be deemed to prevent normal maintenance and repair of any building, or the carrying out upon the issuance of a building permit of major structural alterations or demolitions necessary in the interest of public safety. In granting such a permit, the Village Engineer shall state the precise reason why such alterations were deemed necessary.
- 7.1.5. Each of the non-conforming uses specified below is deemed sufficiently objectionable, undesirable, and out of character in the district in which such use is located as to depreciate the value of other property and uses permitted in the district, and blight the proper and orderly development and general welfare of such district and the Village, to the point that each of such non-conforming uses shall be terminated on or before the expiration of the specified period of time after November 10, 1960; which period of time as specified for the purpose of permitting the amortization of the remaining value, if any, of such use:
 - 7.1.5.1. In any Residence district any non-conforming use of open land including such uses as a parking lot, trailer, junk yard, or open storage yard for materials or equipment may be continued for two years after November 10, 1960, provided that on the expiration of that period such non-conforming use shall be terminated.
 - 7.1.5.2. In any Residence District, any sign not of a type permitted, or of a permitted type but greater than 2 times the maximum permitted size, may be continued for one year after November 10, 1960, provided that on the expiration of that period such non-conforming use shall be terminated.

7.1.5.3. In any non-residential district, any sign not of a type permitted, or of a permitted type but greater than 2 times the maximum permitted size, may be continued for two years after November 10, 1960, provided that on the expiration of that period such non-conforming use shall be terminated.

7.1.6. In no event shall any use unlawfully established under the Village of Croton-on-Hudson Zoning Ordinance 1931 and the Zoning Map constituting a part thereof, as said Ordinance and Map shall have been amended prior to adoption of this Ordinance be deemed to be a non-conforming use under this Ordinance.

ARTICLE VIII

Enforcement and Penalties

Section 8.1. Building Permits. No building or structure in any district shall be erected or structurally altered without a building permit duly issued upon application to the Village Engineer in conformance with all requirements set forth in the Building and Zoning Regulation Administrative and Enforcement Ordinance.

8.1.1. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of this Ordinance and other applicable ordinances of the Village of Croton-on-Hudson. Any building permit issued in violation of the provisions of this Ordinance shall be null and void and of no effect, without the necessity for any proceedings for revocations or nullification thereof; and any work undertaken or use established pursuant to any such permit shall be unlawful.

8.1.2. No building permit shall be issued for the construction or alteration of any building upon a lot without frontage upon a public street improved to the satisfaction of the Planning Board.

8.1.3. No building permit shall be issued for any building where the site plan of such building is subject to approval by the Planning Board except in conformity with the plans approved by the said Board.

8.1.4. No building permit shall be issued for a building to be used for any use in any district where such use is allowed by special permit of the Board of Appeals unless and until such special permit has been duly issued by the said Board.

Section 8.2. Certificate of Occupancy. In addition to the regulations set forth in Article 1.18 of the Building and Zoning Regulation Administrative and Enforcement Ordinance, the following shall be unlawful until a certificate of occupancy shall have been applied for and issued by the Village Engineer.

- a. Occupancy, use or any change in the use of any land; and
- b. Any change in use of a non-conforming use.

8.2.1. No certificate of occupancy shall be issued for any use of a building or of land allowed by special permit of the Board of Appeals as specified in Article IX of this Ordinance unless and until such special permit has been duly issued by the said Board. Every certificate of occupancy for which a special permit has been issued or in connection with which a variance has been granted shall contain a detailed statement of such special permit or variance and of any conditions to which the same is subject.

8.2.2. Every application for a certificate of occupancy shall state that the building or the proposed use of a building or land complies with all applicable provisions of this Ordinance.

8.2.3. Upon written request by the owner, and upon payment of a fee of \$2.00, the Village Engineer shall, after inspection, issue a certificate of occupancy for any building or use thereof or of land existing at the time of the adoption of this Ordinance, certifying such use, (including the number of employees), and whether or not the same and the building conforms to the provisions of this ordinance.

Section 8.3. Duties of the Village Engineer.

- 8.3.1. It shall be the duty of the Village Engineer, in addition to those duties set forth in the Building and Zoning Regulation Administrative and Enforcement Ordinance, to enforce the provisions of this Ordinance and of all rules, conditions and requirements adopted or specified pursuant thereto.
- 8.3.2. Said Village Engineer shall keep a record of every identifiable complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent on each such complaint, which records shall be public records.

Section 8.4. Enforcement

- 8.4.1. All the duties, powers, rights of inspection, power to issue Stop Orders, right to revoke permits and other rights, powers and duties which are conferred upon the Village Engineer by the Building and Zoning Regulation Administrative and Enforcement Ordinance, dated December 19th, 1957, as the same may from time to time be amended are hereby conferred upon the Village Engineer with respect to the enforcement of this Ordinance as it may from time to time be amended.
- 8.4.2. Should any condition arising from the violation of any provision of this Ordinance be required by considerations of health, safety, morals or the general welfare of the community to be abated, the Board of Trustees of the Village may cause to be served upon the owner and/or the person in control of the premises where such condition exists a notice stating that such condition so arising must be abated and the manner in which it must be abated to comply with this Ordinance. Said notice shall further state a reasonable time, to be also fixed by the Board of Trustees of the Village, within which work to abate said condition must be started, and failure to comply with said notice shall be a violation of this Ordinance.

Section 8.5. Violations and Penalties

- 8.5.1. It shall be unlawful for any person (including the owner, lessee or tenant of the premises or any part thereof and the general building contractor, general agent, architect, engineer or any other person who owns, permits, takes part or assists in or who maintains any premises in which any violation of this Ordinance shall exist) to violate any provisions of this Ordinance, the requirements of the Village Engineer, Board of Appeals, the Planning Board or Board of Trustees pursuant to this Ordinance and the acts of the Village Engineer pursuant to this Ordinance and the Building and Zoning Regulation Administrative and Enforcement Ordinance.
- 8.5.2. Every person who shall violate this Ordinance shall be subject to a penalty of not to exceed \$100 for each such violation. Every such violation shall constitute disorderly conduct and the person violating the same shall be a disorderly person. Each and every day that such violation continues shall constitute a separate offense.
- 8.5.3. The imposition of the penalties herein prescribed shall not preclude the taking of any appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, disorderly conduct, business or use of a building, structure or premises.
- 8.5.4. No provision of this Ordinance shall be construed to deprive the Village or the Board of Trustees or any citizen or taxpayer thereof of any other available remedy for the enforcement of this Ordinance or the punishment or abatement of violations thereof; and all such remedies shall be cumulative and not exclusive.
- 8.5.5. The supplementing and amendment of the Croton-on-Hudson Zoning Ordinance, 1931, as amended by the substitution therefor of this Ordinance shall be prospective only and shall not affect or abate penalties applicable to prior violations.

ARTICLE IX
Board of Appeals

Section 9.1. Existence and Continuance. There shall be a Board of Appeals of five members pursuant to the provisions of the Village Law and Croton-on-Hudson Local Law No. 4 of 1958. The members of the Board of Appeals as constituted immediately prior to the adoption of this Ordinance shall continue in office for their unexpired terms and shall be re-elected or replaced in accordance with the provisions of the Village Law and Croton-on-Hudson Local Law No. 4 of 1958.

Section 9.2. Powers and Duties. The Board of Appeals shall have all the powers and duties prescribed by law and by this Ordinance, which are more particularly specified as follows; provided that none of the following provisions shall be deemed to limit any power of the said Board that is conferred by law:

9.2.1. Interpretation. On appeal from an order, requirement, decision or determination made by an administrative official, or on request by any official, board of agency of the Village, to decide any of the following questions:

9.2.1.1. Determination of the meaning of any portion of the text of this Ordinance or of any condition or requirement specified or made under the provisions of this Ordinance.

9.2.1.2. Determination of the exact location of any district boundary shown on the Zoning Map.

9.2.1.3. Determination of the possible adverse affect on the surrounding area of any proposed industrial uses in Manufacturing M Districts.

9.2.2. Special Permits. On application, and after public notice and hearing, to authorize the issuance by the Village Engineer of special permits for any of the uses for which this Ordinance requires, in the district in which such use is proposed to be located, the granting of such permits by the Board of Appeals. In authorizing the issuance of a special permit, the Board shall take into consideration the public health, safety and welfare and shall prescribe appropriate conditions and safeguards to insure the accomplishment of the following objectives:

9.2.2.1. That all proposed structures, equipment or material shall be readily accessible for fire and police protection;

9.2.2.2. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

9.2.2.3. That, in addition to the above, in the case of any use located in, or directly adjacent to, a residential district:

a. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood; and

b. The location and height of buildings the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

9.2.2.4. In authorizing the issuance of a special permit it shall be the duty of the Board to attach such conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the general objectives of this Ordinance.

The Board may require that special permits be periodically renewed. Such renewal shall be granted following due public notice and hearing, and may be withheld only upon a determination by the Village Engineer to the effect that such conditions as may have been prescribed by the Board in conjunction with the issuance of the original permit have not been, or are being no longer, complied with. In such cases a period of 60 days shall be granted the applicant for full compliance prior to the revocation of the said permit. Any use for which a special permit may be granted shall be deemed to be a conforming use in the district in which such use is located provided that:

- a. The provision in this Ordinance under which such permit was issued is still in effect;
- b. Such permit was issued in conformity with the provisions of this ordinance; and
- c. Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

9.2.3 Variances. To authorize, upon appeal in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to exceptional and extraordinary circumstances, there are practical difficulties or unnecessary hardships in the way of carrying out of the strict letter of this ordinance, subject to terms and conditions to be fixed by the Board; provided however that no such variance shall be granted unless the Board finds:

- (a) That there are physical conditions, fully described in the findings of the Board, applying to the land or building for which the variance is sought, which conditions are peculiar to such land or building, and have not resulted from any act of the applicant or any predecessor in title; and
- (b) That, for reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or building and the granting of the variance is necessary for the reasonable use of the land or building, and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (c) That the granting of the variance under such conditions as the Board may deem necessary or desirable to apply thereto will be in harmony with the general purpose and intent of this ordinance, will not represent a radical departure therefrom, will not be injurious to the neighborhood, will not change the character thereof and will not be otherwise detrimental to the public welfare.

9.2.3.1. The needs or desires of a particular owner or tenant or of a particular prospective owner or tenant shall not, either alone or in conjunction with other factors, afford any basis for the granting of a variance. The fact that the improvements already existing at the time of the application are old, obsolete, outmoded or in disrepair or the fact that the property is then unimproved shall not be deemed to make the plight of the property unique or to contribute thereto.

9.2.3.2. Where the Board finds the zoning classification of a particular property to be conducive to the deprivation of the reasonable use of the land or building by the owner thereof, and where the Board deems the same condition to apply generally to other land or buildings in the same neighborhood or District, the said Board may call this condition to the attention of the Board of Trustees.

9.2.3.3. In all cases where the Board of Appeals grants a variance from the strict application of the requirements of this ordinance, it shall be the duty of such Board to attach conditions and safeguards as may be required in order that the result of its action may be as nearly as possible in accordance with the spirit and intent of this ordinance.

Section 9.3. Procedure. The powers and duties of the Board of Appeals shall be exercised in accordance with the following procedure:

9.3.1. The Board of Appeals shall not grant any appeal for a variance or issue any special or temporary permit without first holding a public hearing, notice of which hearing and of the substance of the appeal or application shall be given by publication in the official newspaper of the Village at least 10 days before the date of such hearing. In addition to such published notice, the Board of Appeals shall cause notice to be given of the substance of every appeal for a variance and of every application for a special permit, together with notice of the hearing thereon by causing notices thereof to be mailed by postal card or other means at least 10 days before the date of said hearing, to the owners of all property abutting that held by the applicant in the immediate area whether or not involved in such appeal or application, and all other owners within 200 feet, or such additional distance as the Board of Appeals may deem advisable, from the exterior boundaries of the land involved in such appeal or application, as the names of said owners appear on the last completed assessment roll of the Village. Any or all of the notices required by this section shall be issued by the office of the Village Clerk on order of the Board of Appeals or upon order of the Chairman of said Board if the appeal or application is received when the Board is not in session and the Chairman deems it necessary or desirable to expedite the public hearing on such appeal or application. Provided that due notice shall have been published as above provided and that there shall have been substantial compliance with the remaining provisions of the paragraph, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Board of Appeals in connection with the granting of any appeal, variance, or issuance of any special or temporary permit pursuant thereto.

9.3.2. Ten days' notice by mail shall be given in accordance with the provisions of Sections 451 and 452 of the Westchester County Administrative Code, as such sections may from time to time be amended or superseded, in all cases where notice is required thereby.

9.3.3. At least 10 days before the date of any public hearing, the Secretary of the Board of Appeals shall transmit to the Secretary of the Planning Board a copy of any appeal or application, together with a copy of the notice of such hearing. The Planning Board may submit to the Board of Appeals an advisory opinion on said appeal or application at any time prior to the public hearing.

9.3.4. Unless work is commenced and diligently prosecuted within one year of the date of the granting of a variance or special permit such variance or special permit shall become null and void.

9.3.5. All appeals and applications made to the Board of Appeals shall be in writing, on forms prescribed by the Board and approved by the Planning Board and shall be accompanied by a fee of \$15.00. The Board of Appeals may, in its discretion, return to the applicant part or all of the fee paid by him in the event that his appeal under Section 9.2.1. (Interpretation) hereof is partially or wholly successful. The fees filed in connection with applications under Section 9.2.2. (Special Permits) or Section 9.2.3. (Variances) shall not be returnable regardless of disposition of the case by the Board of Appeals.

9.3.6. Each appeal or application shall fully set forth the circumstances of the case. Each application for special permit shall be accompanied by a proposed plan showing the size and location of the lot, a site plan showing the location of all buildings and proposed facilities including access drives, parking areas, landscaping and all streets within 200 feet. Every appeal or applica-

tion shall refer to the specific provision of the ordinance involved, and shall exactly set forth, as the case may be, the interpretation that is claimed, the 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.

- 9.3.7. Every decision of the Board of Appeals shall be recorded in accordance with standard forms adopted by the Board, and shall fully set forth the circumstances of the case and shall contain a full record of the findings on which the decision is based. Every decision of the Board of Appeals shall be by resolution and each such resolution shall be filed by case number, under one of the following headings:

- (1) Interpretation;
- (2) Special Permits; and
- (3) Variances.

together with all documents pertaining thereto. The Board of Appeals shall notify the Village Engineer and each member of the Board of Trustees, the Chairman of the Planning Board in Croton-on-Hudson, and the municipal clerk of any affected municipality given notice of hearing as set forth in Section 9.3.2., of its decision in each case.

- 9.3.8. All the provisions of this Ordinance relating to the Board of Appeals shall be strictly construed; the Board, as a body of limited jurisdiction, shall act in full conformity with all provisions of law and of this Ordinance and in strict compliance with all limitations contained therein; provided, however, that if the procedural requirements set forth in this Ordinance have been substantially observed no applicant or appellant shall be deprived of the right of application or appeal.

ARTICLE X

Section 10.1. Site Plan Development approval by the Planning Board. In all cases where this Ordinance requires approval of site plans by the Planning Board, such site plans shall be submitted to the said Board by the Village Engineer, and no building permit shall be issued by him except in conformity with the approved site plans. The said plan shall be approved in the same manner as is prescribed by State Law for the approval of subdivision plats or if the Village shall adopt a local law, relating thereto, in the manner prescribed by such local law, and with public notice as required for variances by the Board of Appeals in Section 9.3.1.

- 10.1.1. **Pre-Submission.** Prior to the submission of a formal Site Development Plan the applicant should meet in person with the Planning Board, and/or its designated representative, to discuss the proposed site development plan so that the necessary subsequent steps may be undertaken with a clear understanding of the Board's attitude and requirements in matters relating to site development.

- 10.1.2. **Required Submissions.** At least fifteen (15) days in advance of the Planning Board meeting at which a site development plan, or an amendment of it, is to be presented, the information enumerated below must be submitted to the Secretary of the Planning Board in triplicate along with a letter of application, if requested.

The information to be submitted and which in total constitutes a site development plan, follows:

10.1.2.1. Legal Data.

- (1) The names of all owners of record of all adjacent property, and the lot, block and section number of the property.
- (2) Existing zoning district boundaries.
- (3) Boundaries of the property; building or or set-back lines and lines of existing streets, lots, reservations, easements and areas dedicated to public use.

All lengths shall be in feet and decimals of a foot, and all angles shall be given to the nearest ten (10) seconds or closer if deemed necessary by the surveyor. The

error of closure shall not exceed one (1) to ten (10) thousand

- (4) A copy of any covenants or deed restrictions that are intended to cover all or any part of the tract.

10.1.2.2. Existing Buildings and Facilities

- (1) Location of existing buildings.
- (2) Location of existing water mains, culverts, and drains on the property with pipe sizes, grades, and direction of flow.

10.1.2.3. Topographic Data

- (1) Existing contours with intervals of five (5) feet or less, referred to a datum satisfactory to the Board.
- (2) Location of existing water courses, marshes, rock out-crops, wooded areas, single trees with a diameter of eight (8) inches or more, measured three (3) feet above the base of the trunk, and other significant existing features.

10.1.2.4. Development Data

- (1) Title of Development, date, north, point, scale, name and address of record owner, engineer, architect, land planner or surveyor preparing the site development plan.
- (2) The proposed use or uses of land and buildings and proposed location or locations of buildings, including proposed grades.
- (3) All proposed lots, easements, and public and community areas.
All proposed streets with (a) profiles indicating grading and (b) cross-sections showing width of roadway, location and width of sidewalk, and locations and size of utility lines.
All lengths shall be in feet and decimals of a foot, and all angles shall be given to the nearest ten (10) seconds or closer if deemed necessary by the surveyor. The error of closure shall not exceed one (1) to ten (10) thousand.
- (4) All means of vehicular access and egress to and from the site onto public streets.
- (5) The location and design of any off-street parking areas or loading areas.
- (6) The location of all proposed water lines; valves and hydrants, and of all sewer lines with profiles, indicating connections with existing lines or alternative means of water supply of sewage disposal and treatment.
- (7) The proposed location, direction, power and time, of proposed outdoor lighting.
- (8) The proposed screening where deemed necessary by the Board.
- (9) Proposed storm water drainage system.

10.1.3. Duties of Planning Board. The Planning Board shall review the plan, or any amendment of it, in the same manner as is prescribed by State law for the review of sub-division plats or if the Village shall adopt a local law relating thereto, in the manner prescribed by such local law.

In considering and approving the site development plan, the Planning Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and shall make any appropriate conditions and safeguards in harmony with the general purpose and intent of this Ordinance and particularly with regard to achieving:

- (1) Maximum safety of traffic access and egress;
- (2) A site layout (including the location, character, and appearance of any proposed building, group

of buildings or sign location with the power, direction and time of any outdoor lighting of the site) which would have no adverse effect upon any properties in adjoining residence districts by impairing the established character or the potential use of properties in such districts;

- (3) The reasonable screening, at all seasons of the year, of all playgrounds, parking and service areas from the view of adjacent residential properties and streets;
- (4) Conformance of the proposed site development plan with such portions of the master plan of the Village of Croton-on-Hudson as may be in existence from time to time;
- (5) In applicable cases, a drainage system and layout which would afford the best solution to any drainage problems; and
- (6) In specific cases where the Planning Board finds that the maximum setback distances from front, side or rear lot lines fail to maintain adequately the residential characteristics of surrounding residential properties, if any, they may require that such distances be increased, but in no case may they reduce said minimum setbacks.

10.1.4. Variations or waiver of the general requirements above outlined may be permitted by the Board when in their judgement special factors warrant such a variation or waiver.

ARTICLE XI

Amendments

Section 11.1 Amendments. This Ordinance or any part thereof, may be amended, supplemented or repealed, from time to time, by the Board of Trustees on its own motion or on petition, as provided in Sections 178 and 179 of the Village Law. Every such proposed amendment shall be referred by the Board of Trustees to the Planning Board for a report before the public hearing. The Board of Trustees shall not take action on any such amendment without a recommendation from the Planning Board, unless the Planning Board fails to render such report within sixty (60) days after its next regularly scheduled meeting following the time of such referral.

11.1.1. Report of Planning Board. In making such report on a proposed amendment, the Planning Board shall make inquiry and determination concerning the items specified below:

11.1.1.1. Concerning a proposed amendment to or change in text of the ordinance:

- a. Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular districts concerned;
- b. Which areas and establishments in the Village will be directly affected by such change and in what way they will be affected;
- c. The indirect implications of such change in its effect on other regulations; and
- d. Whether such proposed amendment is consistent with the aims of the comprehensive plan of the Village.

11.1.1.2. Concerning a proposed amendment involving a change in the Zoning Map:

- a. Whether the uses permitted by the proposed change would be appropriate in the area concerned;
- b. Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed as a result of such change;
- c. Whether the proposed change is in accord with any existing or proposed plans in the vicinity;
- d. The effect of the proposed amendment upon the growth of the Village as envisaged by the comprehensive plan;

- e. Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Village and the probable effect thereof.

- 11.1.2. Each petition for a zoning amendment shall be accompanied by a fee of \$20.00, payable to the Village Clerk upon the filing thereof. No fee shall be required for petitions filed in favor of, or against, a pending application.
- 11.1.3. By resolution adopted at a stated meeting the Board of Trustees shall fix the time and place of a public hearing on the proposed amendment and cause notice thereof to be given in accordance with the provisions of Section 178 of the Village Law, Sections 451 and 452 of the Westchester County Administrative Code as such sections may be superseded or amended from time to time and all other applicable laws. In the case of amendments to the Zoning Map, an additional written notice shall be sent to all property owners of record within 500 feet of the lots or properties located within the area subject to any proposed map amendment.

ARTICLE XII

Interpretation

Section 12.1. Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except where specifically provided to the contrary, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, structures, shelter or premises; nor is it intended by this Ordinance, to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided however, that where this Ordinance imposes a greater restriction upon the use of a building or premises, or requires larger open spaces than are imposed or required by any other statute, ordinance, rule, regulation or permit, or by any easement, or agreement, the provisions of this ordinance shall control.

In the event of conflict in the terminology of any section or part thereof of this ordinance, the more restrictive provisions shall control.

ARTICLE XIII

Definitions

Section 13.1. Definitions. Unless otherwise expressly stated, the following terms shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "person" includes a corporation as well as an individual; the word "lot" includes the word "plot". The term "occupied" or "used" as applied to any building shall be construed as though followed by the words "or intended, arranged or designed to be occupied or used":

Accessory — A building or use clearly incidental or subordinate to, and customary in connection with, the principle building or use on the same lot.

Basement — A story in a building, the structural ceiling level of which is four feet or more above the average level of finished grade where such grade abuts that exterior wall of such building which fronts on any street and the floor level of which is below finished grade at any point on the periphery of the building.

Building — Any combination of materials forming any construction. The term "building" shall include the term "structure" as well as the following:

- a. Signs;
- b. Fences, over 5 feet in height and more than 25% solid;
- c. Walls, other than retaining walls projecting above the ground not more than 3 feet at the higher ground level and not more than 6½ feet at the lower ground level.
- d. Radio and television antennae, except for such antennae installed on the roof of a "building" and extending not

more than fifteen feet above the highest level of the roof of such "building"; and

- e. Pergolas, porches, outdoor bins and other similar "structures"; and
- f. Swimming pools of permanent construction.
- g. Fallout Shelters.

Billboards — A sign, including the type commonly known as a billboard, which directs attention to a business, commodity, service, entertainment or attraction, sold, offered or existing elsewhere than upon the same lot where such sign is displayed, or only incidentally upon such lot.

Cellar — Any space in a building the structural ceiling level of which is less than four feet above the average finished grade where such grade abuts that exterior wall of such building which fronts on any street.

Court, Inner — An open space enclosed on all sides by exterior walls of a building.

Court, Outer — An open space enclosed on three sides by exterior walls of a building.

Court, Outer, Depth of — The linear average dimension measured from the unenclosed side of the court to the farthest wall thereof.

Court, Outer, Width of — The linear dimension of the unenclosed side of the court.

Curb Level — The established elevation of the street grade at the point that is opposite the center of the wall nearest to and facing the street line.

Dwelling, One Family — A detached building containing one dwelling unit only.

Dwelling, Multiple — A building or portion thereof containing more than three dwelling units.

Dwelling, Two (or three) Family — A detached building containing two (or three) dwelling units only.

Dwelling Unit — A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other "dwelling unit". A boarding or rooming house, convalescent home, dormitory, fraternity or sorority house, hotel, inn, lodging, nursing, or other similar home, or other similar structure shall not be deemed to constitute a dwelling unit.

Family — One or more persons occupying a dwelling unit as a single non-profit housekeeping unit. More than five persons exclusive of domestic servants, not related by blood, marriage or adoption, shall not be considered to constitute one family.

Floor Area — The sum of the gross horizontal areas of the several floors of the building or buildings on a lot measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings, excluding cellar and basement areas used only for storage or for the operation and maintenance of the building.

Floor Area, Livable — All spaces within the exterior walls of a dwelling unit exclusive of garages, cellars, heater rooms and basements having a window area of less than 20% of the square foot area of the room and of unheated porches and breezeways, but shall include all spaces not otherwise excluded, such as principal rooms, utility rooms, bathrooms, and all closets and hallways opening directly into, and appurtenant to, any rooms within the dwelling unit; and all attic space having a clear height of six feet from finished floor level to pitch of roof rafter and a clear height of seven feet six inches from finished floor level to pitch of roof rafter and a clear height of seven feet six inches from finished floor level to ceiling level over 50% of the area of such attic space.

Floor Area Ratio — The floor area in square feet of all buildings on a lot divided by the area of such lot in square feet.

Height

- (a) For buildings the front wall of which is within 5 feet of the street; the vertical distance in feet and in stories measured from the curb level to the highest level of the roof surface of roofs the slope of which is not more than one inch vertical to one foot horizontal or the mean point between the eaves and the highest point of the roof if the roof is of any other type.
- (b) For buildings located in their entirety more than five feet from the street line; the "height" in feet and in stories shall be established by the Village Engineer in such a way that no building shall be prevented

from attaining at least at one point the maximum "height" permitted in the district in which such building is proposed to be erected, such "height" to be measured above the elevation of the finished grade abutting such building at that point.

- (c) For one, or two, family dwellings: the vertical distance from the average level of the finished grade along the wall or walls of the building facing the street to the highest level of the roof surface of roofs the slope of which is not more than one inch vertical to one foot horizontal or the mean point between the eaves and the highest point of the roof if the roof is of any other type.

Lot — Any parcel of land, not necessarily coincident with a lot or lots shown on a map of record, which is occupied or which is to be occupied by a building and its accessory buildings, if any, or by a group of buildings having any land in common and the buildings accessory thereto, if any, together with the required open spaces appurtenant to such building or group of buildings.

Lot, Corner — A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.

Lot, Depth — The minimum distance from the street line of a lot to the rear lot line of such lot.

Lot Line — Any boundary of a lot other than a street line.

Lot Line, Rear — the lot line generally opposite to the street line.

Lot Width — The average distance between side lot lines measured along 2 lines parallel to a line connecting the end points of the front lot line, and drawn through those two points of the principal building closest to and farthest from the street.

Main Floor — The largest area found by the projection of a horizontal plane through the livable floor area which is enclosed by the exterior walls of the building.

Manufacturing — Any process whereby the nature, size or shape of articles or raw materials are changed, or where articles are assembled or packaged; in quantity.

Non-Conforming Building Use — A building or use that does not conform to the regulations prescribed for the district in which it is situated.

Sign — Any letter, word, model, banner, pennant, insignia, trade flag, device, or representation used as, or which is in the nature of, an advertisement, attraction or directive not required by law, and not related to any legal holiday, political campaign, philanthropic drive or civic event.

Sign Area — Shall include all faces of a sign measured as follows:

- (a) When such a sign is on a plate or framed or outlined, all of the area of such plate or the area enclosed by such frame or outline shall be included:
- (b) When such sign consists only of letters, designs or figures engraved, painted, projected or in any manner affixed on a wall, the total area of such sign shall be deemed the area within which all of the matter of which such sign consists may be inscribed.

Story — That part of any building, exclusive of cellars but inclusive of basements, comprised between the level of one finished floor and the level of the next higher finished floor, or, if there be no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof beams.

Story, Half — Any space partially within the roof framing, where the clear height of not more than 50% of such space between the top of the floor beams and the structural ceiling level is 7 feet 6 inches or more.

Street — A street shown on the Official Map of the Village of Croton-on-Hudson and improved to the satisfaction of the Planning Board.

Street Line — The dividing line between a lot and a street.

Structural Alteration — Any change in the supporting members of a building.

Trailer — Any vehicle mounted on wheels, movable either by its own power or by being drawn by another vehicle, and equipped to be used for living or sleeping quarters or so as to permit cooking. The term "trailer" shall include such vehicles if mounted on temporary or permanent foundations with the wheels removed.

Usable Open Space — An unenclosed portion of the ground of a lot which is not devoted to driveways or parking spaces, which is free of structures of any kind, of which not more than 25% is roofed for shelter purposes only, the minimum dimension of which is 40 feet, and which is available and accessible to all occupants of the building or buildings on the said lot for purposes of active or passive outdoor recreation. Accessory building roof space may be substituted for ground space, provided such space, is available and accessible to all the said occupants by means of access other than stairs.

Use, Accessory — A use customarily incidental and subordinate to the main use on a lot, whether such "accessory use" be conducted in a principal or accessory building.

Yard, Front — An unoccupied ground area fully open to the sky between the street line and a line drawn parallel thereto.

Yard, Rear — An unoccupied ground area fully open to the sky between any property line other than a street or rear lot

Yard, Side — An unoccupied ground area fully open to the sky between any property line other than a street or rear lot line, and line drawn parallel thereto, and between the front and rear yards.

ARTICLE XIV

Separability

Section 14.1. Separability. Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not effect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

ARTICLE XV

Effective Date

Section 15.1. Effective Date. This ordinance shall be effective immediately upon its being adopted by the Board of Trustees of the Village of Croton-on-Hudson and published and posted pursuant to the provisions of the Village Law.

PURSUANT to Section 178 of the Village Law, I, the undersigned Joseph A. Zerello, Village Clerk of the Village of Croton-on-Hudson, N.Y., DO HEREBY CERTIFY under the Corporate Seal of said Village that the foregoing is a correct, accurate and complete copy of an ordinance duly passed and adopted by the Board of Trustees of said Village on December 14, 1961, and that the same was on that date entered in the minutes of said Board of Trustees of the Village of Croton-on-Hudson, N.Y.

JOSEPH A. ZERELLO
VILLAGE CLERK

Dated: December 14, 1961