

**Village of Croton-on-Hudson**
Engineering Department
Stanley H. Kellerhouse Municipal Building
One Van Wyck Street
Croton-on-Hudson, NY 10520-2501
Tel: 914-271-4783
engineering@crotononhudson-ny.gov

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

(Form # Eng-§230-160)

(Revised 05 2024)

Application Date: 7/23/25 - ^{Revised} 8/1/25

Application #: 20250413

Type of Application: ☒ Area ☐ Special Permit ☐ Appeal ☐ Interpretation ☐ Use ☐ Fence

NYS SEQR (§617) Actions:

- ☐ **Type I -** Submit long EAF and CAF
☒ **Type II -** Not subject to SEQR (area variances for 1, 2 and 3 family homes and lot line variances and individual setback variances) EAF & CAF not required
☐ **Unlisted -** Submit short EAF (long EAF may be required) and CAF

Other Involved Agencies: ☐ Village Board ☐ Planning Board ☐ Other:

Property Information: Section: 78.08 Block: 3 Lot: 17
Property Location (street address): 2 Palmer Ave

Zoning District ☐ RA5 ☐ RA9 ☐ RA25 ☐ RA40 ☒ RB (2 family) ☐ RC Multiple Residence
Limited Office ☐ O-1 ☐ O-2
Commercial ☐ C1 Central ☐ C2 General ☐ Gateway overlay
Other ☐ LI Light Industrial ☐ WC Waterfront ☐ WD Waterfront Development

Current Use: ☐ 1 Family ☐ 2 Family ☐ 3 Family ☐ Multi Family ☐ Vacant Lot
☐ Commercial/Other (description):

Applicant Information: (if other than owner, supply a letter from the property owner authorizing application)

☒ Owner ☐ Tenant ☐ Contractor/Vendor
☐ Attorney ☐ Engineer ☐ Architect ☐ Other:

Last Name: WHITE First Name: PHOEBE MI:

Company:

Address: 2 PALMER AVE

Address: CROTON-ON-HUDSON, NY

Phone #: Cell #: E-mail:

Property Owner: ☒ Same As Above

Last Name: GORBETT First Name: MATTHEW MI:

Company:

Address: 2 PALMER AVE

Address: CROTON-ON-HUDSON, NY

Phone #: Cell #: E-mail:

General Application requirements:

1. **Forms & fees:** This completed application plus seven (7) copies (total of 8) plus eight (8) copies of the supporting documentation shall be submitted by the applicant, accompanied by the applicable fee. Electronic version (pdf, jpeg, other) of all documents must be submitted with the application. Appropriate photographs of the property and surrounding properties should be submitted. Please note the application fee is non-refundable even in the event the application is withdrawn.
2. **Content of submission:** Application shall fully set forth the circumstances of the case, accompanied by a proposed plan showing the size and location of the lot, a site plan showing location of all buildings and proposed facilities, including access drives, parking areas, landscaping and streets. Each application shall refer to the specific provision

of the chapter and the interpretation that is claimed, details of the variance that is applied for and the grounds on which it is claimed that the same should be granted, or the use for which the special permit is sought.

3. Drawings, elevation plans, and surveys must reflect what is existing and what is proposed and **must be submitted at the time of application**. Failure to do so may result in your application being deemed incomplete.
4. If a recent sale of the property has taken place, please submit proof of ownership.
5. If you are in contract to purchase, please submit a **notarized letter** from the current owner stating that the applicant has his/her permission to file on his/her behalf and applicant is not the owner.
6. Applications **must** be submitted **21 days** prior to the date of the hearing in order to meet **required** deadline dates for Legal Noticing. ZBA meetings/hearings are usually held on the 4th Tuesday of the month at 7:00PM (no August meeting).
7. If the application is approved by the Zoning Board of Appeals and a building permit is needed, a separate application for the building permit will need to be submitted.
8. Appeal: shall be taken within 60 days after the filing of any order, requirement, decision, interpretation or determination by filing with the administrative official and the ZBA, a notice of appeal specifying the grounds of appeal and relief sought.
10. Stay upon appeal: an appeal shall stay all proceedings in furtherance of the action appealed from, unless it is determined that the stay would cause imminent peril to life or property, in which case, proceedings shall not be appealed other than by a restraining order which may be granted by the ZBA or by a court of record on application.

1. Area Variances

Village Code Section(s):

Description of variance requested:

REQUESTING A REAR YARD VARIANCE TO LEGALIZE EXISTING 1931 GARAGE

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard			
Total Side Yard			
Front Yard			
Rear Yard	5 ft	3.5 ft.	1.5

The ZBA shall take into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such a grant. To be considered:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties;
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA but shall not necessarily preclude the granting of the area variance.

Please provide a detailed response to all five factors above:

(can use separate paper if necessary)

Have any previous area variance applications been made?

☒ yes ☐ no If so, give date: 6/14/00

Description of previous variance:

Side yard variance granted for the construction of a deck-resolution attached.

2. Special Permit

Village Code Section(s):

Special Permit Description:

Explanation:

(can use separate paper if necessary)

Have any previous special permit applications been made?

☐ yes ☐ no If so, give date:

Description of previous special permit:

3. Appeal

Village Code Section(s):

Description of administrative decision or order (include copy):

(can use separate paper if necessary)

Date of decision or order:

Explanation of reason for appeal:

(can use separate paper if necessary)

4. Interpretation

Village Code Section(s):

Description of proposed project or improvement:

Explanation/describe request:

5. Use Variance

Village Code Section(s):

Existing Use of Property:

Proposed Use of Property:

No use variance shall be granted by the ZBA without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. **These four criteria must be satisfied:**

1. Applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.
2. Alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.
3. Requested use variance, if granted, will not alter the essential character of the neighborhood.
4. Alleged hardship has not been self-created.

Provide additional information for all four factors above:

(can use separate paper if necessary)

Have any previous use variance applications been made? ☐ yes ☐ no If so, give date:

Description of previous use variance:

Answer Questions (1-5):

1. I have submitted required number of copies + documentation ☐ yes ☐ no
2. Drawings, elevation plans & surveys have been submitted ☐ yes ☐ no
3. All required application information has been provided ☐ yes ☐ no
4. Proof of ownership, if applicable, has been provided ☐ yes ☐ no
5. Digital files of all documentation have been submitted ☐ yes ☐ no

I certify that the above information is accurate, and I am the property owner or authorized by the owner to file this application on their behalf and that I will indemnify and hold the Village harmless against any damage or injury that may be caused by or arise out of any entry onto the property in connection with the processing of the application, during construction or performance of the work or within one year after the completion of the work.

12-1-2015
Applicant's Name (please print)

[Signature]
Applicant's Signature

8/7/2015
Date

Note: According to Section 230-164(E), "Unless work is commenced and diligently prosecuted within one (1) year of the date of the granting of a variance or special permit, such variance or special permit shall become null and void."

For larger projects, a request can be made for a variance from §230-164(E) for up to a two year period.

I request a 2 year variance: ☐ YES ☒ NO

FOR VILLAGE USE ONLY:

Is lot an existing small lot? ☐ yes ☐ no

Note: If yes, lot area, lot depth and lot width exceptions are granted under Village Zoning Code 230-40G

Decision Type: _____

Decision Type: _____

Date: _____

Date: _____

☐ Approved

☐ Approved

☐ Denied

☐ Denied

Fec: \$ 0

Date paid: N/A

Rec'd by: SC

Stefanie Correale

From: Christine Newton [REDACTED]
Sent: Wednesday, July 23, 2025 2:29 PM
To: Stefanie Correale
Subject: Zoning Board of Appeals Application - 2 Palmer Ave, Croton

CAUTION: External sender.

Zoning Board members,

The following are answers to questions on an application for a rear yard variance.

1. No, there would be no change or detriment to the neighborhood or nearby properties with this variance.
2. Issuing a variance is the most effective option of satisfying the code violation, there is no reasonable alternative.
3. The requested area variance is minimal at 1.1'
4. Given the minimal footage of variance it is highly unlikely to have any impact at all.
5. The garage was built in 1931 with no changes made, and has blended with the property and neighborhood without issue.

Please know we are aware of this boards willingness to hold an unscheduled August session - we are very grateful for your time and it is most appreciated.

Regards,
Christine Newton

RESOLUTION

John Newton, has applied to the **Zoning Board of Appeals** for an area variance with respect to a side yard setback and proposed deck.

The property at 2 Palmer Avenue, is located in a RB District and is designated on the Tax Maps of the Village as Section 78.08 Block 3 Lot 1.

A public hearing having been held after due notice, this Board from the application and after viewing the premises and neighborhood concerned, finds:

1. There will be no significant change to the character of the neighborhood or detriment to nearby properties.
2. There will be no significant effect or impact on the physical or environmental conditions in the neighborhood or district.

NOW, THEREFORE, BE IT RESOLVED, that an area variance is **granted** as follows:

Rolnick – Made Motion to **grant** a side yard variance of 3.13 ft. with the following condition:

Screening will be maintained and esthetically attractive to effected neighbors.

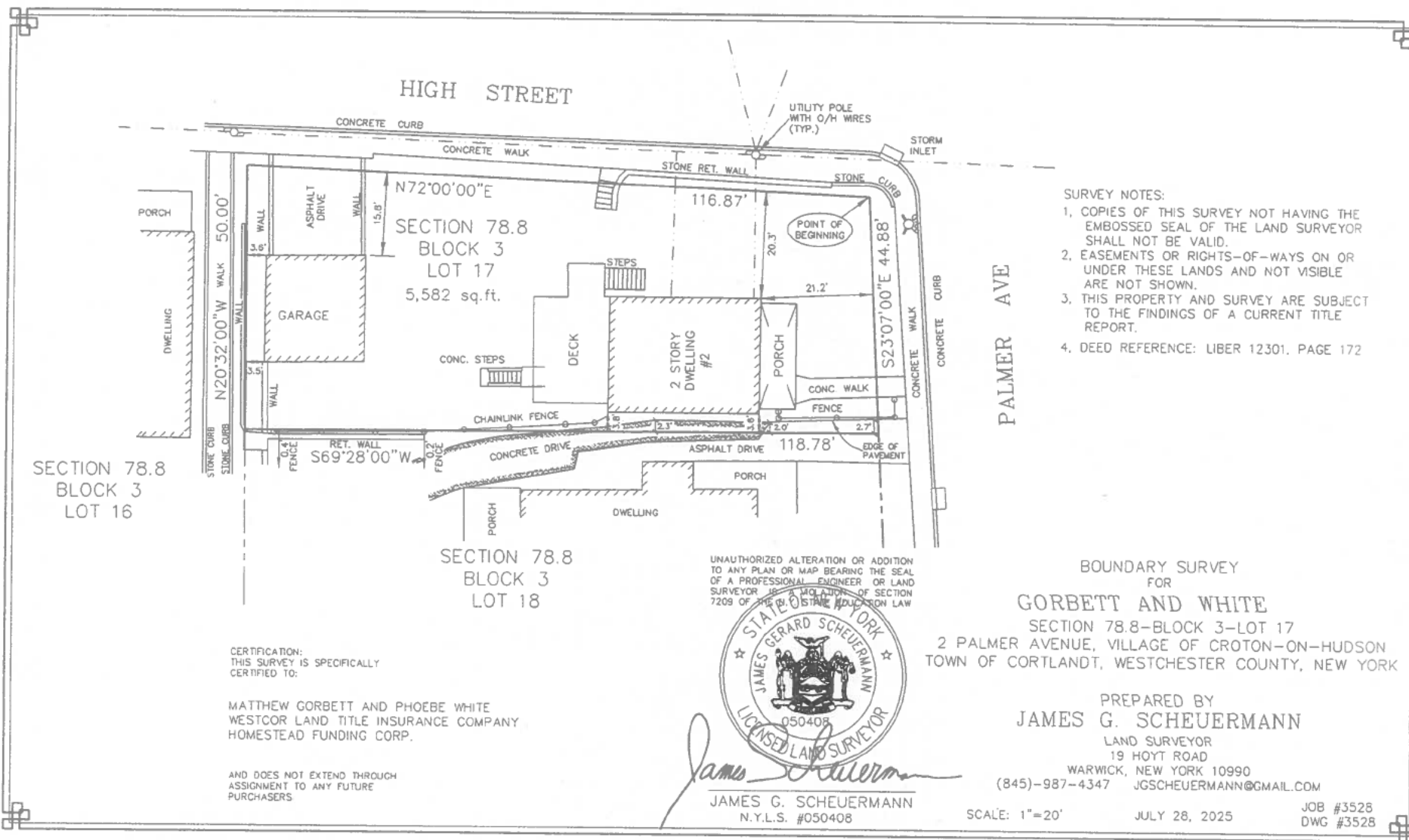
Stephens – Second the Motion.

Vote - 4-0 - In Favor - Rolnick, Stephens, Sapir, Szobaszlai

6/14/00

FINAL

2 Palmer A
78-3-17.



SURVEY NOTES:

1. COPIES OF THIS SURVEY NOT HAVING THE EMBOSSED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID.
2. EASEMENTS OR RIGHTS-OF-WAYS ON OR UNDER THESE LANDS AND NOT VISIBLE ARE NOT SHOWN.
3. THIS PROPERTY AND SURVEY ARE SUBJECT TO THE FINDINGS OF A CURRENT TITLE REPORT.
4. DEED REFERENCE: LIBER 12301, PAGE 172

UNAUTHORIZED ALTERATION OR ADDITION TO ANY PLAN OR MAP BEARING THE SEAL OF A PROFESSIONAL ENGINEER OR LAND SURVEYOR IS A VIOLATION OF SECTION 7209 OF THE STATE ENGINEERING LAW



JAMES G. SCHEUERMANN
N.Y.L.S. #050408

BOUNDARY SURVEY
FOR

GORBETT AND WHITE
SECTION 78.8-BLOCK 3-LOT 17
2 PALMER AVENUE, VILLAGE OF CROTON-ON-HUDSON
TOWN OF CORTLANDT, WESTCHESTER COUNTY, NEW YORK

PREPARED BY
JAMES G. SCHEUERMANN

LAND SURVEYOR
19 HOYT ROAD
WARWICK, NEW YORK 10990
(845)-987-4347 JGSCHEUERMANN@GMAIL.COM

SCALE: 1"=20'

JULY 28, 2025

JOB #3528
DWG #3528

CERTIFICATION:
THIS SURVEY IS SPECIFICALLY
CERTIFIED TO:

MATTHEW GORBETT AND PHOEBE WHITE
WESTCOR LAND TITLE INSURANCE COMPANY
HOMESTEAD FUNDING CORP.

AND DOES NOT EXTEND THROUGH
ASSIGNMENT TO ANY FUTURE
PURCHASERS

VILLAGE OF CROTON-ON-HUDSON

WESTCHESTER COUNTY, NEW YORK

APPLICATION FOR PERMIT TO CONSTRUCT OR ALTER A BUILDING
(must be filed in duplicate)

TO THE BUILDING INSPECTOR:

(alter)

Application is hereby made for a permit to (construct) a building
(1a)
as shown on the attached plans. The building (is to be) erected on the pre-
mises known as No. 2 P. Palmer (St.)
Croton-on-Hudson, N. Y. in Section 38 Block 5 on Lots 16
located in a . . . District as shown on the Building Zone Maps. The size of
the plot is 44 7/10 feet front, 50 feet rear, 118 feet deep NORTH side, 118
feet deep south side. The premises are (unimproved). The present improvements
consist of a house 2 stories high for use by 1 families. It has 6
rooms and 1 baths. Its volume is 12880 cubic feet. The new improvement
will consist of two car garage
with . . . new rooms and . . . baths. It will then be used as a
(store) (alteration)
(residence for . . . families). The cost of the new (improvement) will be
\$ 535 00

The full names and addresses of the owner of the property de-
scribed above, of the lessee and of every person now known to be interested
in the proposed work in any representative capacity are:

OWNER Lizette S. Penitias 2 P. Palmer Ave, Croton on Hudson N.Y.
Name Address

PRESIDENT (If owner is Corporation)

LESSEE

ARCHITECT

CONTRACTOR

Permitted. See 100 Paid
Geo H. Barker did improve.

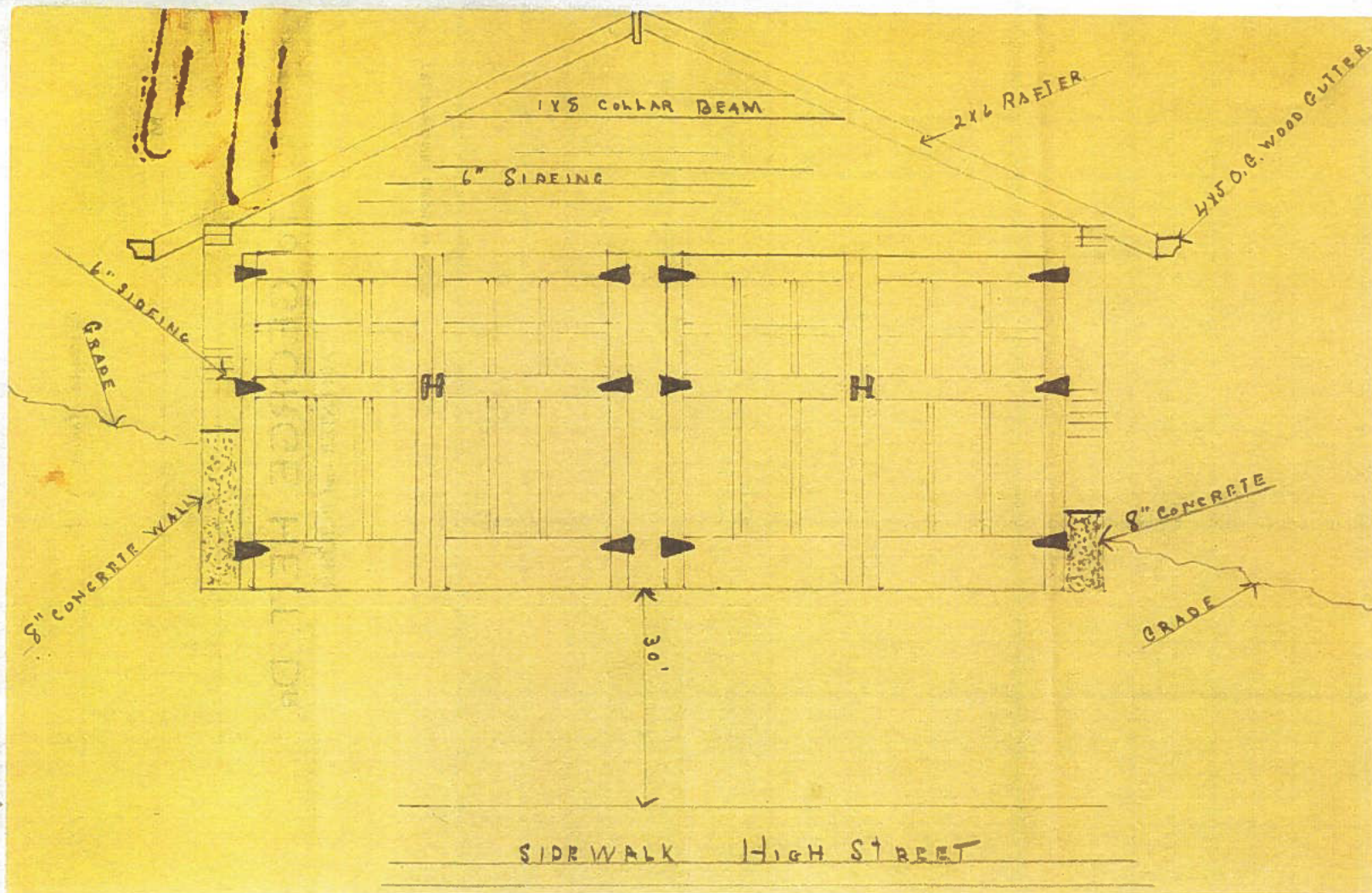
Croton-on-Hudson, Nov: 1st 1931.

The following are the building permits issued during October, 1931.

Oct 1	Israel Levy	N. Highland Ave.	enclosing porch	300.00	Fee 1930
1	John H. Evans	King St.	Chicken house	12.00	" 1.00
9	Johannes Weissmann	Park Trail	Garage	200.00	" 1.00
10	Barbara Harmon	Radnor Ave.	Bungalow	1550.00	" 5.00
21	Lizette Prentiss	Palmer Ave.	Garage	335.00	" 1.00
20	Alexander McKensie	Morningside Ave.	House	6300.00	" 5.00
				<u>\$8897.00</u>	<u>\$14.00</u>

To the Honorable Board of the Village of Croton-on-Hudson.

Building Inspector,





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 15, 2025

To Whom It May Concern:

**RE: 2 Palmer Avenue
Section 78.8 Block 3 Lot 17
(Formerly 32-214-17)**

With respect to the above-captioned premises, please be advised that our records indicate that the original improvements were constructed in 1927 or thereabout, prior to the adoption of building and zoning regulations in the Village of Croton-on-Hudson (July 28, 1931). There is no Certificate of Conformity (Occupancy) on file for the original improvements. On May 9, 2003, the Village Engineer at the time wrote an "in lieu thereof" letter for the original improvements. Any non-conformities of the original improvements with respect to current bulk and parking regulations are to be considered legally non-conforming.

A survey dated from the 1950's was prepared by W.A. Slater PLS of Ossining, New York. The garage is 3.9 feet from the property line when 5 feet minimum was required by the 1931 Zoning Code, which is a violation.

Certificate of Occupancy #1111 dated July 21, 1976 was issued for kitchen alterations pursuant to Building Permit #1408 dated November 17, 1975.

Certificate of Occupancy #20060133 dated December 28, 2006 was issued for construction of a deck pursuant to Building Permit #4440 dated October 13, 2000. On June 14, 2000, the Zoning Board of Appeals granted a side-yard setback variance.

Certificate of Occupancy #20250051 dated June 2, 2025 was issued to legalize existing two-fixture bathroom and office in basement pursuant to Building Permit #20250042 dated April 21, 2025 and to closeout Building Permit #4 dated October 1931 to construct a two-car garage.

Be further advised that the existing one-family use is a permitted use in the RB Two-Family Residence District in which it is located. Palmer Avenue is a Village maintained road. There is a violation on record as noted above.


Daniel O'Connor, P.E.
Village Engineer

af

