

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: 11.25.25 (Revised 12.1.25) **Application #:** 20250691

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: 68.17 Block: 2 Lot: 11
 Property Location (street address): 43 Riverview Trail

Zoning District RA5 RA9 RA25 RA40 RB (2 family) RC Multiple Residence
 Limited Office O-1 O-2
 Commercial CI 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: Jansa First Name: Norm MI: W
 Company: Westchester Modular Construction, Corp.
 Address: 1995 Route 22
 Address: Brewster, NY 10509
 Phone #: [REDACTED] Cell #: [REDACTED] E-mail: [REDACTED]

Property Owner: Same As Above

Last Name: Macdonald First Name: Rosanne MI: _____
 Company: _____
 Address: 43 Riverview Trail
 Address: Croton on Hudson, NY 10520
 Phone #: _____ Cell #: _____ E-mail: [REDACTED]

General Application requirements:

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 Please note the application **fee is non-refundable** even in the event the application is withdrawn.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

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

3. Drawings, elevation plans, and surveys must reflect what is existing and what is proposed and **must be submitted at the time of application**. Failure to do so may result in your application being deemed incomplete.
4. If a recent sale of the property has taken place, please submit proof of ownership.
5. If you are in contract to purchase, please submit a **notarized letter** from the current owner stating that the applicant has his/her permission to file on his/her behalf and applicant is not the owner.
6. Applications **must** be submitted **21 days** prior to the date of the hearing in order to meet **required** deadline dates for Legal Noticing. ZBA meetings/hearings are usually held on the 2nd Wednesday of each month at 8 PM.
7. If the application is approved by the Zoning Board of Appeals and a building permit is needed, a separate application for the building permit will need to be submitted.
8. Appeal: shall be taken within 60 days after the filing of any order, requirement, decision, interpretation or determination by filing with the administrative official and the ZBA, a notice of appeal specifying the grounds of appeal and relief sought.
10. Stay upon appeal: an appeal shall stay all proceedings in furtherance of the action appealed from, unless it is determined that the stay would cause imminent peril to life or property, in which case, proceedings shall not be appealed other than by a restraining order which may be granted by the ZBA or by a court of record on application.

I. Area Variances

Village Code Section(s): 230-40(B) & 230-40A(1)(a)

Description of variance requested:

Proposed ADU Height of 18'-3" - ADU Height limit of 15'-0" - Variance Request of 3'-3"

Proposed ADU setback of 24'-6" - Primary Structure required setback of 45'-8" - Variance Request of 21'-2"

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard	10'	10'	N/A
Total Side Yard	50'	50'	N/A
Front Yard	40'	24'-6"	N/A
Rear Yard	30'	176'-6"	N/A
Primary Structure	45'-8"	24'-6"	21'-2"
Height Limit	15'-0"	18'-3"	3'-3"

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:

1. No, the new ADU structure will improve the character of the neighborhood by replacing the dilapidated cottage structure that is currently on the site
2. No, new ADU is to be placed in its proposed position due to the steep terrain change at the rear of the property so there is no other feasible method other than a variance
3. No, the setback variances are minimal
4. No, since it is a replacement of what is already existing there will not be an adverse effect
5. No, not self-created - placed in its proposed position due to steep terrain towards rear of property

(can use separate paper if necessary)

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

Description of previous variance:

Not Applicable

2. Special Permit

Village Code Section(s): _____

Special Permit Description: *Special Permit Conversion of accessory structure to guest house May, 9th 1962*

Explanation:

Not Applicable

See attached

(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:

Not Applicable

3. Appeal

Village Code Section(s): _____

Description of administrative decision or order (include copy):

Not Applicable

(can use separate paper if necessary)

Date of decision or order: _____

Explanation of reason for appeal:

Not Applicable

(can use separate paper if necessary)

4. Interpretation

Village Code Section(s): _____

Description of proposed project or improvement:

Not Applicable

Explanation/describe request:

Not Applicable

5. Use Variances

Village Code Section(s): _____

Existing Use of Property: Not Applicable

Proposed Use of Property: Not Applicable

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:

Not Applicable

(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:

Not Applicable

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.

Norm Jansa

Norm Jansa

Applicant's Name (please print)

Applicant's Signature

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

Fee: \$ 375.00

Date paid: 11/25/25

Rec'd by: [Signature]


**NEW YORK ALL-PURPOSE ACKNOWLEDGMENT
REAL PROPERTY LAW §309-a**



State of New York
County of Westchester } ss.

On the 19 day of NOVEMBER in the year 2025 before me,
the undersigned personally appeared ROSEANN R MACDONALD
Name of Signer
(and _____,) personally known to me or
Name of Additional Signer, if Any

proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


Signature of Notary Public
Notary Public — State of New York

Place Seal Below OR Complete Lines Below

Jacqueline Anfiteatro
Notary Public, State of New York
Reg. No. 01AN6416036
Qualified in Westchester County
Commission Expires April 5, 2029

Jacqueline Anfiteatro
Name of Notary
Westchester
Name of County in Which Originally Qualified
4-5-2029
Commission Expiration Date
Westchester
Name of County in Which Certificate of Official
Character Filed (if required)

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document: LETTER
Document Date: NOVEMBER 19, 2025 Number of Pages: 1
Signer(s) Other Than Named Above: NONE



To Whom It May Concern:

Nov 19, 2025

I, Roseann Macdonald, as the owner of the property located at 43 Riverview Trail, Croton-on-Hudson, NY, 10520, hereby grant Westchester Modular Homes Construction Corporation my full permission to apply for any and all necessary permits on my property located at 43 Riverview Trail, Croton-on-Hudson, NY, 10520 required by the Town of Croton-on-Hudson, NY in order to obtain a building permit.

Thank you in advance for your assistance in this matter.

Best regards,

Roseann R. Macdonald

Notary Public

SEE ATTACHED



Village of Croton-on-Hudson, New York

P.O. Box 249
Municipal Building
Croton-on-Hudson,
NY 10520

(914) 271-4781-2

Mayor
ROLAND H. BOGARDUS

Trustees
RICHARD BARBUTO
JESSE BELLER
BRIAN J. DIVNEY
MARIA MODICA-SNOW

Manager-Clerk
RICHARD F. HERBEK

Treasurer
RICHARD J. CAMPBELL

Attorney
SEYMOUR M. WALDMAN

Engineer
PHILIP A. TULLY, P.E., C.P.C.A.
271-4783

January 30, 1987

William Cohen, Esq.
Platt and Cohen
385 South Riverside Avenue
Croton-on-Hudson, N.Y. 10520.

Re: Sec. 46 Block 231 Lots 1A, 2
43 Riverview Trail

Gentlemen:

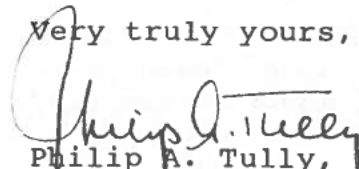
Please be advised that our records indicate that the original improvements to the above-captioned premises were constructed in 1957 or thereabout. We have no record of a Certificate of Occupancy for said improvements, and this letter will serve in lieu thereof. Based on a survey prepared by W.A. Slater bearing date of Dec. 27, 1983, the original improvements conform to the bulk and parking requirements of the 1931 Zoning Law in effect at the time, as well as to the requirements of the current zoning law.

On May 9, 1962 a special permit was granted by the Zoning Board of Appeals for construction of a garage in a required front yard. This was constructed pursuant to Building Permit #375, and Certificate of Occupancy #263 was granted for a "carport and cabana." On November 11, 1966, the Zoning Board of Appeals granted a special permit conversion of this structure to a guest house. on the condition that there be no cooking facilities.

On January 29, 1987, Certificate of Occupancy #2891 was issued for an addition constructed pursuant to Building Permit #2220.

Be further advised that the existing 1-family use conforms to the uses permitted in the RA-25 One-Family Residence District in which located.

Very truly yours,


Philip A. Tully, P.E.
Village Engineer

PT/SSY
enclos: survey

The Regular Meeting of the Zoning Board of Appeals of the Village of Croton-on-Hudson, N.Y., was held in the Municipal Building in said Village on Wednesday, November 9th, 1966 at 8:00 P.M.

Present: Thomas Ogborne, Acting Chairman
Joseph Darton
George Ferris
Theodore E. Merwin, Village Engr.

Absent: Seymour Waldman

The minutes for the meetings of September 14th, and October 12th, were approved in the form submitted.

The first application was that of Ann-Louise Turner, Glengary Road, for an exception to Section 179-0(3) of the Village Law. The applicant wishes to construct a greenhouse addition to a dwelling on property which does not front on an improved Village Street. Property is located in an RA-40 District, Section 57, Block 224, Lot 7. The Legal Notice had appeared in the October 27th issue of the Croton-Cortlandt News and was read.

Mr. Ogborne asked Mrs. Turner if she wished to add anything to her application, to which she replied that everything is stated in the application.

Mr. Darton asked Mr. Merwin if this had been presented to the Planning Board. Mr. Merwin said it does not have to go to the Planning Board -- Glengary Road is acceptable to the Planning Board. There is no frontage from the lot in question to Glengary Road -- entrance is through right of way.

Mr. Darton asked the size of the greenhouse and was told it was to be 14' x 26' -- a one-story closed structure, to be heated by an oil furnace within the structure itself. Questioning brought out this is strictly for the use of the applicant -- there is no intention of this becoming a commercial venture in any way.

There was no one to speak for or against the application. Mrs. Turner was informed the Board would consider the application and she would be notified of the decision reached.

The next application was that of Mrs. Pearl W. Buirski, Riverview Trail, for a Special Use Permit to change

the use of an accessory building from a garage, for which a Special Use Permit was previously granted, to a guest house. The property is in an RA-25 District, Section 46, Block 231, Lots 1A and 2. The Legal Notice had appeared in the October 27th issue of the Croton-Cortlandt News and was read.

Mr. Ogborne pointed out there is an unfortunate situation since the Chairman, Mr. Waldman, is in California, and the Board is short one member who had to remove himself because he had moved from the District.

Mr. Ronald Santana, Attorney for Mrs. Buirski, wanted it noted that the present application does not constitute any waiver on the part of Mrs. Buirski to appeal the Oct. 12th decision. Mr. Santana said this is an application to change a Special Use Permit from a garage to a guest house. The use is to be confined to the summer, the structure does not have heat nor cooking facilities. It is designed, as noted, only as a summer house for guests. He questioned whether this is truly an accessory use, since it is a use that is permitted in the main house. If Mrs. Buirski had rooms in the house, Mr. Santana continued, she would be allowed to have guests so he cannot understand why it would not be permitted in this structure. He said Mrs. Buirski is willing to have any reasonable conditions set on the use, relative to heat and cooking, if it be the determination of the Board so as to resolve the matter.

The following letter from Ted and Lily Stone, 21 Sunset Trail, dated November 8, was read:

"Ref: Legal Notice of Hearing of Mrs. Pearl Buirski to change garage to a guest house.

"We, the owners of property on both Riverview Trail and Sunset Trail in the Village of Croton-on-Hudson, after reading the above notice, do respectfully but strenuously object to any change in the use of any building or part of a building on the above property.

"This is a district of one-family houses, to be lived in by one family. The zoning law specifically sets out the uses of property in one-family housing districts. Families such as ours live in one-family areas for the very reason that they are for only one-family to the piece of property.

"Changing the nature of a building to a guest house, or whatever name you may call it, brings in additional families. Therefore, if this is then permitted for one property owner, what is there to prevent other neighboring property owners from doing the same thing -- and even

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adding on rooms or buildings to presently constructed buildings -- and calling them guest rooms -- guest houses -- or even maid's apartments.

"We have seen this happen in the Village of Croton on many occasions. Frequently, because the changes were already made in the premises, the owners were permitted to retain them. In several instances, such as one which occurred in Harmon not too long ago, the owner was made to take out all of his so-called improvements for additional rooms.

"The zoning law, as it exists today to protect single-family homes, should not be flouted. The very people who might think it a good idea to have extra apartments or families in a home would probably be the first ones to object if a close neighbor did this to his property.

"The whole idea of one-family housing breaks down if changes such as the above are to be allowed. Furthermore, the house in question is on a very narrow road. The additional traffic, noise and dirt raised is another reason for not permitting the change.

"We feel that it is very proper and correct that the appellant ask the village for this permission -- because so many other residents do it without asking. But, this then changes the character of the neighborhood. It leads to commercialism. It leads to crowded conditions. It leads to other violations or requests for changes. It leads to down-grading the property and property values."

Mr. Pettit maintains that Article 7, Section 7.1.1.1 and 2, indicates that a non-conforming building shall not be enlarged without a special permit from the Zoning Board. He submitted to the Board that the so-called guest house is no more restricted use than a garage. And as to Mr. Santana's mention of summer use, he said the premises were occupied last weekend, so there must have been some form of heat.

Mr. Santana said he definitely takes the position that this is not a non-conforming use. One of the uses of a conforming building is to keep one boarder and keeping of a guest house, not being rented, is definitely a conforming use, he maintained. He cited Section 3.1.1.10 (e) -- accessory uses to confirm this is not a non-conforming use. He said there is nothing in the ordinance prohibiting guests, as long as it is restricted and his clients are willing to acknowledge this and abide thereby.

It should be granted and when it is abused is the time to object.

Mr. Tornello, who lives two doors away, said the special permit was given for a garage only, not for a guest house and asked since when do you put boarders in a garage?

Mr. Pettit again stated inasmuch as a special permit was issued to erect the building, by its very origin it is non-conforming. It doesn't have proper setbacks. He pointed out lot 1A is only 42' in width and there is no off-street parking.

Mr. Santana said there is a difference between a non-conforming use and a non-conforming building and this is a conforming use in a building that was built legally under a permit. If you build a non-conforming building under a permit, Mr. Santana said, and wish to change the use to a conforming use, there is nothing in the Ordinance to prevent this, and he questioned whether this application is necessary. However, his clients are willing to make application and comply with any conditions set. He also pointed out off-street parking does not apply to a one-family house.

Mr. Pettit still feels it is a non-conforming use. A permit for a garage was issued, he said, out of which evolved a carport and pool house, situated on a 42' lot and the particular facility is occupied by a distinctly different family -- both on one lot. He felt a dangerous precedent was established, and will wind up with two families occupying two dwellings on one lot. As for vehicular traffic, using the turnaround for parking prohibits garbage truck and emergency vehicles from using the turnaround. 153' x 22' of property which was dedicated for a future extension of Riverview Trail to Harrison Street now comprises part of their front lawn, Mr. Pettit said. Eventually, this road should extend to Harrison Street but it will never happen now, Mr. Pettit stated. He also feels it is rather odd -- asking for a permit after the fact.

Mr. Darton pointed out a Special Use Permit for a garage was sought but a Special Use Permit was granted for an accessory building.

Mr. Santana said it is one lot from a building point of view -- it is divided into two lots on the Tax Map. Relative to use as a dwelling unit, it must be this is something he had a right to appeal at the time it happened. Mr. Santana continued, relative to why application is made now, there was clear indication to the Buirski's that no application was necessary, this was a legal thing to do, which is the reason they went ahead with it. They are asking this application now merely to satisfy a situation and remedy it.

Mr. Pettit said he and his wife made known to the Building before the building was started, and he is sure the builder advised his clients.

As there was nothing further to add, Mr. Ogborne said the Board would consider the application and reach a decision.

The next application was that of Rinzville & Hopkins, Architects for 128 Grand Street Realty Corp. for a variance to construct an addition to Robbins Pharmacy without providing the required off-street parking. The property at 128 Grand Street is in a C-1 District, Section 43, Block 208, Lot 1. The Legal Notice had appeared in the October 27th issue of the Croton-Cortlandt News and was read.

Mr. Hopkins was present and said the property is available for off-street parking, but cars would have to back out into heavily traveled Old Post Road.

Mr. Darton asked Mr. Merwin how many parking spaces would be required, to which Mr. Merwin replied that ten spaces would be required.

Questioning by Mr. Ogborne brought out the cleaning establishment will be moved into the new portion of the building, there will be a new store front and two main entrances to the pharmacy, and no changes will be made in the upper floors now occupied by tenants.

Mr. Merwin pointed out that within 30' of property, cannot have any plants more than 30" high at the curb, to which Mr. Benson said they would comply.

There was discussion of the 8' strip which must be maintained for entrance of fire trucks and other emergency vehicles.

There was nothing further to add, and no one to speak for the application or in opposition to it.

The Board considered the application of Mrs. Turner. Mr. Darton moved the exception be granted, seconded by Mr. Ferris and carried unanimously in accordance with the following resolution:

This is an application by Mrs. Ann-Louise Turner for an exception to paragraph 8.1.2 of the Ordinance in accordance with provisions of Section 179-0(3) of the Village law to permit the addition of a greenhouse to her main residence.

It has been noted by the Board that the provisions outlined in paragraph 8.1.2 requiring frontage on a public

street not only would apply to the proposed greenhouse, but currently applied to the main residence. In short, the residence does not now front upon an approved street. Therefore, upon motion by Mr. Darton, seconded by Mr. Ferris and unanimously approved by the Board, this exception has been granted since said exception would not change conditions existing and applying to the main residence at the present time.

This exception is valid only as long as this greenhouse remains as a recreational facility and will not be used for commercial purposes without referral to the Zoning Board of Appeals for action at that time.

The Board next considered the application of the 128 Grand Street Realty Corp. On motion made by Mr. Ferris, seconded by Mr. Darton and carried unanimously the variance was granted in accordance with the following resolution.

This is an application by Rinziville & Hopkins, Architects for the 128 Grand Street Realty Corporation, for a variance from the strict application of Article 4, Section 4.1, paragraph 4.1.3 of the Zoning Ordinance with respect to off-street parking areas.

It has been established by the Board that strict compliance with the regulations would require a minimum of ten parking spaces for the building as presently constructed and that the addition of the one-story frame structure does not increase or decrease the availability of off-street parking facilities. In other words, the building at the present time does not have off-street parking facilities and the addition of this new one-story frame structure would not change the situation. It has been established by the Board there does exist public parking facilities within a reasonable distance from the proposed addition.

Therefore, upon motion by Mr. Ferris, seconded by Mr. Darton and carried unanimously by the Board, the variance is hereby granted.

The Board deferred decision on the Buirski application until Mr. Waldman returns from California because the Board feels his interest is fairly deep in this situation and whatever decision is arrived at may have bearing on future decisions of this type, and the Board wants to give him the opportunity to sit in on this decision.

There being no further business, on motion duly made, seconded and carried, the meeting was adjourned.

Frances K. Cummings
Secretary.

A Special Meeting of the Zoning Board of Appeals of the Village of Croton-on-Hudson, N.Y., was held at the Municipal Building, Van Wyck Street, on Wednesday evening, November 23rd, 1966, being called to order at 8:15 P.M.

Present: Seymour Waldman, Chairman
Joseph Darton
George Ferris
Theodore Merwin, Village Engineer

Absent: Thomas Ogborne

Chairman Waldman opened the meeting by considering the request of Mr. Ira D. Conklin of MD-15, Union St., Newburgh, N.Y., for a determination in the matter of the installation of two gasoline storage tanks on property owned by the New York Central Railroad at Harmon, N.Y. shown as Section 1, Block 25000, Lot 2 on the Tax Maps.

Mr. Conklin was present as was Mr. Gordon Bradfield, representing the New York Central Railroad. Mr. Bradfield told the Board the purposes of this installation were first, to augment the present storage supply which is inadequate and requires several deliveries by tank truck each week. The new installation will reduce the frequency of these deliveries, made via Croton Point Avenue, to twice a month. Second, a key-operated delivery pump will be employed. Mr. Bradfield explained that gasoline will be available at this pump only through the use of special keys. Twenty-one separate and different locks are part of the pump and the 21 keys will be distributed to various departments. Thus, gasoline can be drawn from the supply only by the use of a key and each key will register on its own meter, each department being charged for the quantities it draws. These keys are not interchangeable. Third, this method of recording the fuel used will eliminate abuses attendant with the credit-card system. The supply will be drawn for any Railroad Company vehicle, both highway and non-highway, operating in the area. Mr. Bradfield stated such machines as automatic rail tampers and ballasters, shop industrial trucks and fork lift trucks will use this supply.

Location of the intended installation will be about 100 feet north of the present Croton Point Avenue Bridge. Two 4,000 gallon tanks are planned rather than one tank, said Mr. Conklin, because the diameter of the one tank would be large, would require a deeper excavation and, considering the area possibly being effected by tides from the Hudson River, this might create problems. Should water conditions prevail, Mr. Conklin declared the standard practice is to strap the tanks to a concrete pad which, for

a small tank would be 14 ft. x 25 ft. x 1 ft. Standard plumbing, piping, fixtures, valves, etc., would be used. Mr. Bradfield and Mr. Conklin took their leave at this time, Chairman Waldman advising the Board would consider the matter and reach a decision.

After due discussion, it was regularly moved by Mr. Darton, seconded by Mr. Ferris and unanimously carried as follows:

This is an application by Ira D. Conklin for a determination that the proposed use of certain property of the New York Central Railroad Co. in an "M" District, would not create a condition described in Section 3.10.1G of the Zoning Ordinance.

The Board finds that the Railroad Company, through the applicant contractor, proposes to install two 4,000 gallon gasoline tanks and one gasoline pump for use of the Railroad. The tanks are to be sunk to at least the depth customarily required of similar tanks in motor vehicle service stations. They are to be adequately secured to a concrete pad if water conditions so require. The size of the tanks will result in less frequent transportation of fuel over the public roads than presently prevails with the smaller tank now being used by the Railroad for the same purpose.

Accordingly, the Board finds and concludes that the proposed use will not create any dangerous, injurious, noxious or otherwise objectionable condition or hazard as defined in Paragraph G of Section 3.10.1.

The request of Mrs. Pearl W. Buirski for a Special Use Permit to change the use of an Accessory Building from a Garage for which a Special Permit was previously granted, to a Guest House was next considered.

Mr. Ferris advised he had previously held some reservations which have been resolved; that he and Mr. Darton had checked the premises and believed the request was a reasonable one. Therefore, on motion made by Mr. Darton, seconded by Mr. Ferris, it was unanimously carried as follows:

This is an application by Mrs. Pearl Buirski for a Special Use Permit to change the permitted use of an Accessory Building from a combination Garage and Cabana to a Guest House with no cooking facilities.

The original Special Use Permit was granted on May 9th, 1962 for use as a combination garage and cabana based on the peculiar topographical conditions applicable

to the property, particularly the placement of rock ledges. The subsequent owner wished to convert this Accessory Building to a summer guest house with neither heat nor cooking facilities and no structural changes whatever, a fact confirmed by the Village Engineer.


In effect, therefore, instead of constructing a new accessory building for guest house purposes and maintaining the existing garage, the applicant converted the garage into a guest house thereby leaving the property with only one accessory building rather than two.

The Board finds and concludes in all the facts and circumstances that the use applied for is an appropriate use and that the conditions applicable to this land justifies the location of an accessory building of this description and for this purpose in the place it is now situated.

In granting this Special Use Permit, the Board expressly conditions the permit to the use applied for, that is, as a Guest House with no cooking facilities whatever. If any change is desired in this use or any structural changes sought in the building or any attempt made to install cooking facilities then this permit shall no longer be effective and a new application must be made to the Board.

Chairman Waldman advised the Hearing in the case of Mr. and Mrs. Charles Aguado of 235 Cleveland Drive on their appeal to construct an addition to their dwelling which will result in insufficient front and side yards, had been postponed from Thursday, December 1st, to Friday, December 2nd, and asked the Secretary to notify Mr. Ogborn of this change. Proper notification had been given in the newspapers but it was not certain if the residents in the area had been so advised. The Secretary was ordered to check this feature.

There being no further business before the Board, the meeting was adjourned.


R. J. Merritt,
Acting Secretary.

