



LEVIN LAW GROUP



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VIA CERTIFIED MAIL

Vincent Salanitro
Village Engineer/Building Inspector
Stanley H. Kellerhouse Municipal Building
1 Van Wyck Street
Croton-on-Hudson, NY 10520

Robert Luntz
Planning Board Chair
Stanley H. Kellerhouse Municipal Building
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Christine Wagner
Zoning Board of Appeals Chair
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Brian Healy
Village Manager
Stanley H. Kellerhouse Municipal Building
1 Van Wyck Street
Croton-on-Hudson, NY 10520

Brian Pugh
Village Mayor
Stanley H. Kellerhouse Municipal Building
1 Van Wyck Street
Croton-on-Hudson, NY 10520

Re: Demand for Immediate Enforcement of Zoning and Building Code Violations at 23 Nordica Drive, Croton-on-Hudson, NY (Tax Map Section 79.13, Block 4, Lot 64)

December 2, 2025

Dear Mr. Salanitro, Mr. Luntz, Ms. Wagner, Mr. Healy, and Mr. Pugh:

This firm represents Russell H. Davies, a resident of 27 Nordica Drive, Croton-on-Hudson, NY, whose property is immediately adjacent to the subject property at 23 Nordica Drive. Mr. Davies has retained us to address ongoing violations of the Village of



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Croton-on-Hudson Code (the “Village Code”) related to unapproved and noncompliant construction at 23 Nordica Drive, owned by Mark Franzoso. We demand immediate enforcement, including a stop-work order, permit revocation/suspension, penalties, and denial of certificate of occupancy until violations are fully cured.

The property at 23 Nordica Drive is located in the RA-9 Zoning District. Village Code § 230-33, requires minimum side yard setbacks of 12 feet per side, with a combined minimum of 30 feet. A variance for lot area was granted on October 4, 2020, but no variances or approvals were granted for deviations from the required side yard setbacks.

The approved site plan for the property, prepared by Ciarcia Engineering P.C. and last revised on November 22, 2021, shows setbacks of approximately 23.00 feet and 28.51 feet for the residence. A retaining wall is not shown anywhere on that approved site plan. However, current construction includes an unapproved permanent retaining wall near the property line, with setbacks under 12 feet. Thus, this permanent retaining wall violates the Code as it was not in approved plans.

Furthermore, the development at 23 Nordica Drive and nearby parcels has a documented history of noncompliance and lack of enforcement, as detailed in Joel E. Gingold’s November 18, 2021 letter (annexed hereto as Exhibit A) to the Village Planning Board, city permit violations, unauthorized work, and Village nonenforcement, causing disruptions. Local residents are well aware of Mr. Franzoso’s unacceptable and unlawful pattern of repeatedly violating the Village Code and then seeking retroactive approvals only after complaints have been lodged. This behavior has eroded trust and continues to undermine the integrity of the zoning process. These current violations relating to the permanent retaining wall continue this unacceptable pattern.

The construction at 23 Nordica Drive violates multiple provisions of Chapters 230 (Zoning) and 86 (Building Construction) of the Village Code, including but not limited to:



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1. **Village Code § 230-170(A)** (Building Permits): No building permit may be issued unless the proposed construction is in full conformity with Chapter 230 and other applicable ordinances. Any permit issued in violation is null and void, and work undertaken pursuant thereto is unlawful. The retaining wall was not depicted on the approved site plan and thus was not authorized by any permit.
2. **Village Code § 230-173** (Enforcement Duties): As Village Engineer, you are duty-bound to enforce Chapter 230 and all related rules, conditions, and requirements.
3. **Village Code § 230-174** (Violations and Penalties): It is unlawful to violate Chapter 230, including constructing without full compliance. Each day of violation constitutes a separate offense, subject to penalties under Village Code § 1-12. Penalties do not preclude other remedies, such as injunctions or abatement.
4. **Village Code § 86-14** (Revocation/Suspension of Permits): Permits must be revoked or suspended if issued in error, for violations of the Code, or for failure to comply with a stop-work order.
5. **Village Code § 86-16** (Stop-Work Orders): You must issue a stop-work order for any work that violates the Uniform Code, Energy Code, permit plans, or is conducted in an unsafe manner. The order suspends all activities until resolved.
6. **Village Code § 86-19** (Certificate of Occupancy): No certificate may be issued unless the structure complies with all Codes and approved plans.

These violations pose risks to adjacent properties, including potential structural instability, drainage issues, and aesthetic degradation. Pursuant to your duties under the Village Code, we demand that you take the following actions within ten (10) days of receipt of this letter:

1. Conduct an immediate inspection of 23 Nordica Drive to confirm the violations described herein.
2. Issue a stop-work order pursuant to Village Code § 86-16, halting all construction until the retaining wall is removed or brought into compliance.



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3. Revoke or suspend any building permit for the property pursuant to Village Code § 230-170(A).
4. Impose appropriate penalties on the owner/builder pursuant to Village Code § 230-174, treating each day of continued violation as a separate offense.
5. Deny any certificate of occupancy pursuant to Village Code § 86-19 until all violates are cured and the construction complies to the approved site plan and setback requirements.
6. Require the owner to submit an amended site plan for review and approval by the Planning Board, including the retaining wall and any necessary variances.
7. Provide written confirmation to this office of all actions taken, including copies of any orders, notices, or reports issued.

If these demands are not met within the aforementioned specified timeframe, Mr. Davies reserves the right to pursue all available legal remedies. The Village's history of nonenforcement in this area, including but not limited to the details documented in Mr. Gingold's letter will further expose the Village to liability for arbitrary and capricious action or inaction.

We urge you to act promptly to enforce the Village Code and protect the rights of adjacent property owners. Please direct all correspondence to the undersigned. We are available to discuss this matter and can be reached at the contact information below.



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DATE: Brooklyn, NY
December 2, 2025

Sincerely,

/s/ Kai Broomfield
Kai Broomfield, Esq.
Levin Law Group, PLLC
Attorneys for Russell Davies
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