

Village of



Croton-on-Hudson

Engineering Department
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Zoning Board of Appeals Application (ZBA)

(Form # Eng-§230-160)

(Revised 05 2024)

Application Date: 01/06/26

Application #: 2550961

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: 6B.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 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: 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:

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 Please note the application **fee is non-refundable** even in the event the application is withdrawn.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 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.

1. Area Variances

Village Code Section(s): 230-41 (6)

Description of variance requested:

Placement of Front Door on Street Side(Front) of Proposed ADU

(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"	Granted on 12/16/25
Height Limit	15'-0"	18'-3"	Granted on 12/16/25
<u>Access (door) observable from street</u>	<u>Not Observable</u>		<u>Observable</u>

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 position of the front door matches the other homes in the neighborhood
2. No, code was not clear regarding position of front door
3. No, it is minimal - only the door position
4. No, will not have an adverse effect
5. No, not self-created - code was not clear regarding position of front door

(can use separate paper if necessary)

Have any previous area variance applications been made?

yes no If so, give date: 12.16.25

Description of previous variance:

Not Applicable

Resolution attached

2. Special Permit

Village Code Section(s): _____

Special Permit Description: _____

Explanation: _____

Not Applicable

(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

01/06/26

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: \$ N/A Date paid: _____ Rec'd by: _____

RESOLUTION

NOTICE IS HEREBY GIVEN THAT, **Norm Jansa, of Westchester Modular Homes Construction Corp., representative for Rosanne MacDonald, owner**, has applied to the Zoning Board of Appeals of the Village of Croton-on-Hudson for a variance from Village Zoning Code Section 230-40(B) to allow for a proposed accessory structure (cottage) nearer to the street than the primary structure and for a height variance from Village Zoning Code Section 230-40A(1)(a) for a proposed pre-fabricated accessory structure (cottage). 43 Riverview Trail is located in a RA-25 Residence District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 68.17 Block 2 Lot 11.

This proposed action is considered a Type II Action under the State Environmental Quality Review Act (SEQRA) therefore, no Negative Declaration is required.

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

1. No undesirable change in the character of the neighborhood nor detriment to nearby properties will be produced by the granting of the variance and in fact will be an improvement.
2. The benefit sought by the applicant can be achieved by a method other than the requested variance; in terms of height, but the proposed structure provides aesthetic consistency and storage and the structure is within the 800 sq ft requirement.
3. The requested variance is substantial in terms of the structure (cottage) being in the front of the primary structure but mitigated by the location and topography.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
5. The difficulty alleged by the applicant was self-created.

NOW, THEREFORE, BE IT RESOLVED, that a variance to allow for a proposed accessory structure (cottage) nearer to the street than the primary structure and for a height variance of 3ft 3inch be **GRANTED** subject to the following conditions, and further finds the variance granted herein is the minimum variance necessary and adequate.

Motion: Chairperson Wagner

Second: Mr. Olcott

Vote: AYES 5 NAYS 0

Condition(s):

1. That, the variance is granted based on the plans and other documents submitted in support of the application.
2. That, according to the variance granted work must commence within (1) year of the date of the granting of the variance or such variance shall become null and void.

12/16/25