

**VILLAGE OF CROTON-ON-HUDSON
ZONING BOARD OF APPEALS
DRAFT MINUTES OF TUESDAY, FEBRUARY 17, 2026**

PRESENT: James Tuman, Chairman
Ethan Lewis
Doug Olcott
Matt Berger
Bill Goldsmith

ALSO PRESENT: Ron Wegner, Assistant Village Engineer, PE

Len Simon, Village Board Liaison

1. CALL TO ORDER at 7:01 p.m.

Chairman Tuman called the meeting of the Zoning Board of Appeals to order at 7:01 p.m. It was stated that one item was scheduled for the evening, 52 Mount Airy Road.

Board Member Doug Olcott announced that he had a conflict of interest with respect to the 52 Mount Airy Road application and formally recused himself from the matter. He then left the meeting room.

2. NEW OPEN PUBLIC HEARING

a) 52 Mt Airy Rd, LLC, owner--52 Mt. Airy Road—Located in a RA25 Residence District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 68.17 Block 1 Lot 3. Request for (2) lot width area variances from Village Zoning Code Section 230-33A for a proposed subdivision.

PRESENT: Kory Salomone, Attorney Zarin & Steinmetz
Andrew Cortese, Owner
Michael Mastrogiacomo, P.E.
Jaclyn Cohen, Colleague, Zarin & Steinmetz

Present on behalf of the application were Kory Salomone, Esq., of Zarin & Steinmetz, Andrew Cortese, owner (applicant), Michael Mastrogiacomo, P.E., Project Engineer, and Jaclyn Cohen.

Mr. Salomone, attorney for the applicant, presented the request for area variances in connection with the proposed subdivision of the property. Mr. Salomone shared that his colleague, Jaclyn Cohen was distributing a written statement with exhibits they had prepared to the Board. He stated that the minimum required lot area in the R-25 District is 25,000 square feet and that the property is currently improved with a single-family home. He explained that the applicant proposes to subdivide the parcel into two lots, with Lot A containing the existing residence and comprising 24,718 square feet, and Lot B to be improved with a new single-family residence and comprising 24,718.6 square feet. Mr. Salomone stated that both proposed lots would be deficient from the required 25,000 square feet by approximately 281 square feet, which he characterized as an approximately one percent deficiency. Mr. Salomone noted that the Board's review would involve balancing the benefit to the applicant against any detriment to the health, safety, and welfare of the neighborhood. He stated that, although he typically would rely on his written submission, he would briefly review the five factors, referencing an exhibit that he distributed to the Board in effort to illustrate the proposal and variance request.

With respect to the first factor, Mr. Salomone stated the proposal would not produce an undesirable change in the character of the neighborhood because the area is residential in character and the proposal remains for residential use. He stated that the exhibit (attached) highlighted nearby lots and that certain lots shown in green were significantly smaller than the proposed lots, while other lots shown in blue were slightly smaller. He cited, by way of example, two lots to the north of the subject property that he described as approximately 0.4 acres, or roughly 17,400 square feet, and multiple lots to the south that he described as approximately 0.54 acres (approximately 23,522 square feet), approximately 0.5 acres (approximately 21,780.2 square feet), and additional smaller parcels referenced as approximately 8,712.3 square feet and approximately 13,000 square feet. He stated that, in their view, the lot sizes and configurations proposed were similar to those present in the general vicinity.

With respect to the second factor, Mr. Salomone stated his opinion that there were no feasible alternatives to achieve the applicant's goal without the requested relief. With respect to the third factor, he stated his opinion that the requested variance was not substantial, characterizing it as a one percent variance. With respect to the fourth factor, Mr. Salomone stated that the subdivision design had been developed with the existing topography in mind, with particular focus on stormwater management, and he stated that the project would be designed to achieve net zero runoff after construction. With respect to the fifth factor, he stated that, to the extent the Board considered any hardship to be self-created, that factor would not be decisive. He concluded by stating that, in his view, the application was straightforward and that the applicant's team was prepared to answer questions.

Chairman Tuman sought clarification regarding potential impacts on neighborhood character and environmental conditions. He noted for the record that multiple letters of opposition had been submitted by neighboring property owners that raised concerns regarding environmental impacts and neighborhood character. In addition to the letters of opposition a member of the public submitted a report of car accident incidences on that portion of Mount Airy Road for the record as well. It was indicated that the Board would carefully consider those submissions as part of its review.

Chairman Tuman requested that the applicant address in greater detail the potential adverse environmental impacts of the proposed subdivision. Mr. Salomone responded that the applicant was preparing a Stormwater Pollution Prevention Plan (SWPPP), which would address stormwater management and related environmental concerns in detail.

The Board then directed the discussion to the issue of tree removal, noting that significant tree removal could constitute an adverse impact on the neighborhood. Chairman Tuman asked how many trees were anticipated to be removed. Mr. Salomone stated that with the construction of any single-family home, it is standard that some trees must be removed, but that the applicant's intent was to remove the minimum number necessary. Mr. Mastrogiacomo, the project engineer, stated that approximately 26 to 30 trees were identified for removal.

Mr. Mastrogiacomo explained that the tree removal would be necessary in order to properly grade the site and establish the building footprint while minimizing disturbance to neighboring properties. He referenced the grading and erosion control plan (Sheet C-102), stating that the site must be terraced to create a suitable building area, stabilize the slope supporting the existing residence, and manage stormwater runoff. He stated that the grading design was intended to slow runoff, capture it, and direct it into the stormwater management system in accordance with the SWPP that was being prepared. He further indicated that some additional trees had been conservatively marked for removal and that it was possible fewer trees would ultimately need to be taken down. He stated that the applicant would prefer to preserve as many trees as possible and noted that a landscaping plan had been prepared to provide replacement plantings and avoid leaving the site barren.

Additionally, members of the Board asked questions regarding retaining walls, driveway design, and sight distance. The Board requested clarification regarding existing and proposed grades, potential cut-and-fill analysis, and a steep slope analysis pursuant to Village Code. It was stated that no blasting was anticipated and that grading had been designed to balance cut and fill to the extent practicable. Mr.

Mastrogiacomo further explained that retaining walls were anticipated to be approximately four to six feet in height and would likely be constructed of segmental block or stone.

The Board also requested architectural elevations and renderings of the proposed new residence, including information regarding building height and massing. Questions were raised regarding driveway location and sight distance, and the project engineer stated that the design met required sight distance standards. The Board requested that, prior to a site visit, the applicant mark the proposed driveway alignment, house location, and trees proposed for removal.

Chairman Tuman then opened the public hearing.

Claire Hilbert of 60 Mount Airy Road spoke and read a letter submitted by Stuart and Karen Greenbaum of 48 Mount Airy Road South. The letter expressed opposition to the requested variances and raised concerns regarding substandard lot sizes, tree removal, steep slope disturbance, potential impacts to natural rock formations, stormwater runoff and flooding, traffic safety due to road curvature and limited sight lines, neighborhood character, wildlife habitat loss, and property values. The letter also questioned whether required permits had been obtained for prior site work. Ms. Hilbert then offered her personal comments expressing concern about the impact of the proposal on the character of the neighborhood and the loss of wooded habitat.

David Steele of 56 Mount Airy Road came forward and spoke in opposition to the application. He stated that the neighborhood is characterized by wooded properties and historic homes and expressed concern regarding cumulative tree removal and the potential change to the rustic character of the area.

Deborah Schpack of 16 King Street read a letter signed by 45 residents expressing opposition to the variances. The letter cited concerns regarding stormwater runoff, erosion, potential flooding of downhill properties, steep slope impacts, and the belief that the requested variances would permit intensified development on environmentally constrained land.

No additional members of the public came forward to speak. Chairman Tuman stated that the public hearing would remain open.

The Board determined that additional information was required prior to making a determination on the application. The Board requested submission of updated survey information reflecting existing and proposed conditions, a steep slope analysis, architectural elevations and renderings, and clarification of grading and retaining wall details. The Board indicated that a site visit would be scheduled, weather permitting (once snow melted and conditions allowed). It was again stated that the public hearing would remain open to allow additional comment at a future meeting.

3. APPROVAL OF MINUTES

Mr. Goldsmith made a motion to approve the Minutes of the January 20, 2026. Seconded by Mr. Tuman. Vote 3-0 (Mr. Olcott, absent, Mr. Berger, recused).

4. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:02 p.m.

Respectfully Submitted By,

Stefanie Correale
Secretary to the Zoning Board of Appeals

February 17, 2026

Via Email and Hand Delivery

Hon. James Tuman, Chair
and Members of the Village of Croton-on-Hudson ZBA
Village Hall
1 Van Wyck Street
Croton-on-Hudson, New York 10520

Re: *52 Mt. Airy Road*
Croton-on-Hudson, New York
Application for Area Variance Approval

Honorable Chair and Members of the ZBA:

I. INTRODUCTION

This firm represents 52 Mt Airy Rd LLC (“Applicant”), the owner of the property located at 52 Mt. Airy Road (SBL 68.17-1-3) (“Property”), in connection with its application for certain Area Variances. The Applicant is seeking to subdivide the Property into two lots and construct a single-family residence and related improvements on the newly created lot (“Project”). To advance its Project plans, the Applicant requires a minor variance from the minimum required lot area for both resulting lots.

Specifically, the Applicant seeks to create two similarly sized lots—a 24,718.50-SF lot and a 24,718.60-SF lot. Because the minimum area required for lots located in the RA-25 zoning district is 25,000 SF, the two lots would be deficient by less than 300 feet (281.50 SF and 281.40 SF, respectively). Thus, the Applicant is requesting a mere 1% deviation from this requirement.

We submit this letter to demonstrate how the requested variance, if granted, is the minimum relief required and will not have an adverse impact on the neighborhood. For the reasons set forth below, we respectfully submit that the ZBA should grant the requested variances.

II. SUBJECT PROPERTY AND PROPOSED DEVELOPMENT

The Property is located at 52 Mt. Airy Road and is identified on the Tax Map of the Village of Croton-on-Hudson as Tax Parcel ID 68.17-1-3. The relevant portion of the tax map is attached hereto as **Exhibit A**. The Property is located in the RA-25 zoning district, which is a residential district with a minimum lot size of 25,000 SF. The existing lot is approximately 1.14 acres (49,483.1 SF) and has an existing single-family house. An aerial image of the Property is attached hereto as **Exhibit B**.

As noted above, the Applicant is proposing to subdivide the Property into two lots. The existing single-family house and related improvements will remain on Lot A. On Lot B, the Applicant is proposing to construct a single-family house with a driveway and related improvements. The plans for the proposed Subdivision and subsequent construction of a new home are shown on the Plan Set entitled Proposed 2 Lot Subdivision, prepared by Mastrogiamaco Engineering, P.C., dated November 24, 2025, which plans were previously submitted to your Board.

III. ZONING REQUIREMENTS AND NEED FOR AN AREA VARIANCE

Pursuant to Section 230, Attachment 3 of the Croton-on-Hudson Zoning Code, the minimum required lot area in the RA-25 zoning district is 25,000 SF. In this case, the Applicant is proposing to subdivide the Property into two lots, where resulting Lot A would be 24,718.50 SF and resulting Lot B would be 24,718.60 SF. Thus, the lot areas are 281.5 SF (Lot A) and 281.4 SF (Lot B) less than what is required. Accordingly, the Applicant is seeking a 281.5-SF variance from the minimum lot area for Lot A and a 281.4-SF variance from the minimum lot area for Lot B.

IV. STANDARDS FOR GRANTING AN AREA VARIANCE

A. Statutory Provisions:

1. Village Law § 7-712-b(3): This Section of the Village Law provides the framework and statutory underpinning for the Zoning Board's review of area variances. This Section provides as follows:

Area Variances. (a) The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such local law, to grant area variances as defined herein.

(b) In making its determination, the zoning board of appeals 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 grant. In making such determination the board shall also consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (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; and (5) whether the alleged difficulty was self-created, which consideration

shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

(c) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

2. Zoning Ordinance § 230-162D: In addition to the applicable provisions of the Village Law as set forth above, the Zoning Ordinance of the Village of Croton-on-Hudson provides an additional framework for the Zoning Board's review of area variances. This section provides as follows:

Area variances. In making its determination, the Board of Appeals shall consider 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 grant. In making such determination, the Board shall also consider the following factors:

(a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance.

(b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

(c) Whether the requested area variance is substantial.

(d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

(e) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance.

These "local" standards are virtually identical to the state standards.

B. Application of Area Variance Standard to the Present Application:

The granting of this variance will not be a detriment to the health, safety, and welfare of the neighborhood or community, but it will be a great benefit to the Applicant. On balance, and

for the reasons set forth below, we respectfully submit that the ZBA should grant the requested variances.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance.

First, there will be no undesirable change produced in the character of the neighborhood or a detriment to nearby properties as a result of the area variances. An analysis of this factor requires a finding that the proposed variance conforms to the established pattern of development in the area. Specifically, as this application involves a variance to the minimum required lot area, the relevant inquiry is whether other lots are similarly sized and/or possess similar nonconformities. *See generally Pecoraro v. Bd. of Appeals of Town of Hempstead*, 2 N.Y.3d 608 (2004).

As shown on the Parcel Map attached as **Exhibit C**, the area of the Applicant's proposed lots (both +/- 0.56 acres) would be in substantial conformity with the area of the other lots in the immediate vicinity of the Property. In fact, most of these other lots do not comply with the zoning requirements for lot area. As your Board can see from this Parcel Map, the lots shaded in blue are of substantially similar area to the lots proposed by the Applicant, and the lots shaded in yellow are even smaller. This is by no means a neighborhood characterized by large lots with spread-out homes and substantial swaths of wooded area and open space. Rather, this a close-knit neighborhood. The Applicant is not asking to do something that is out of the ordinary. And, the subdivision of the Property into two smaller lots would actually bring the Property into greater harmony with this neighborhood where smaller lots dominate.

Moreover, the Applicant is proposing to establish a single-family residential use on the newly created lot. This proposed single-family use is certainly in harmony with the neighborhood where all the other lots are occupied by single-family uses. Again, the Applicant is not proposing anything out of the ordinary here. Aside from the lot area, the proposed plan for this new residence will be fully zoning compliant.

Accordingly, the variances would not produce an undesirable change in the character of the neighborhood.

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.

Second, there are no feasible alternatives to the requested variances. The benefit that the Applicant seeks here is establishment of a single-family home in a single-family residential district on a lot that, if subdivided, can accommodate a new home while avoiding adverse impacts to the neighborhood. The total area of the existing lot is approximately 49,483.1 SF. Because the minimum lot area in this zoning district is 25,000 SF, the Applicant would need a variance from the lot area requirement for any 2-lot subdivision proposal. The proposed variance represents that which is required to effectuate two separate single-family residential lots that are otherwise zoning compliant and that can reasonably accommodate a single-family dwelling and related improvements in a way that allows the residents of these lots to fully enjoy the property.

Accordingly, there are no feasible alternatives.

3. *Whether the requested area variance is substantial.*

Third, the requested variances are not substantial. The Applicant's plan is on the cusp of compliance with the Village Code requirements for creation and development of lots in the RA-25 zoning district. In fact, the Applicant is requesting only a 1% deviation from what is required. Thus, on their face, the lot area variances are not substantial. Notwithstanding this small percentage, substantiality must be considered in light of the surrounding circumstances and the actual impact a requested variance would have on the surrounding community.¹ For the reasons set forth throughout this letter, the variances, if granted, would not result in any adverse impacts to the surrounding neighborhood, including because the resulting lots and single-family residential use would be in conformity with the character of the surrounding neighborhood and there would be no adverse environmental impacts.

Accordingly, the requested variances are not substantial.

4. *Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*

Fourth, the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Project has been designed with site-specific conditions and the surrounding environment in mind. The proposed property boundary to divide the two lots was drawn based on topographic conditions to avoid impacts resulting from steep slope disturbance and tree removal required for construction of the new home. Additionally, the Applicant's engineer has prepared a Stormwater Pollution Prevention Plan ("SWPPP"), in accordance with New York State law to ensure that there will be no adverse impacts to neighboring properties related to stormwater runoff. Because the Project will result in net zero runoff, there are no anticipated flooding or other stormwater-related impacts anticipated from this Project.

Moreover, the proposed tree removal is not anticipated to result in any adverse impacts to surrounding properties, including erosion related impacts. While the Applicant must remove trees to facilitate development of the single-family home, a wooded area will remain on the Property, as shown on the Plan Set previously submitted.² This wooded area can continue to provide habitat for deer, foxes, hawks, vultures, and related common suburban animal species.

¹ See, e.g., *Wambold v. Southampton Zoning Bd. of Appeals*, 32 N.Y.S.3d 628, 630 (2d Dep't 2016) ("While we agree with the petitioner that the proposed variance was substantial, there was no evidence that the granting of the variance would have an undesirable effect on the character of the neighborhood, adversely impact physical and environmental conditions, or otherwise result in a detriment to the health, safety, and welfare of the neighborhood or community.").

² The Applicant understands that neighbors have expressed concerns over the removal of trees that has already occurred on the Property. This prior tree removal was completed upon consultation with and pursuant to a permit issued by the Village and in accordance with all applicable tree removal regulations.

Additionally, there are no anticipated impacts to traffic, as the Applicant proposes to establish a single-family use on the Property, which use is not traffic-intensive. Moreover, the Applicant has already improved site conditions to ensure the safe ingress and egress for the Property, including by removing trees to create a proper driveway and turning area, lowering the grade and walls at the front of the Property to improve sight lines, demolishing the garage that required backing out onto Mt. Airy Road to exit, and creating better turning radii for entering and exiting the driveway. These improvements were made in consultation with and pursuant to a permit issued by the Village.

Accordingly, there are no anticipated environmental impacts resulting from the requested variances or the Project that the variances would facilitate.

5. *Whether the alleged difficulty was self-created.*

Fifth, to the extent your Board considers the alleged hardship to be self-created, such a determination does not preclude the granting of the requested variance. *See* N.Y. Village Law § 7-712-b(3)(b)(5); *see also De Sena v. Bd. of Zoning Appeals of Inc. Vill. Of Hempstead*, 45 N.Y.2d 105 (1978) (“A finding of self-created hardship normally should not in and of itself justify denial of an application.”).

V. CONCLUSION

For the reasons set forth above, we respectfully submit that the benefit to the Applicants outweighs any detriment to the health, safety and welfare of the neighborhood. Accordingly, the Applicant respectfully requests that your Board approve the requested lot area variances so that the Applicant may move forward with its subdivision plans.

If you have any questions, or require any additional information, please do not hesitate to contact us. Thank you for your consideration.

Very truly yours,

ZARIN & STEINMETZ, LLP



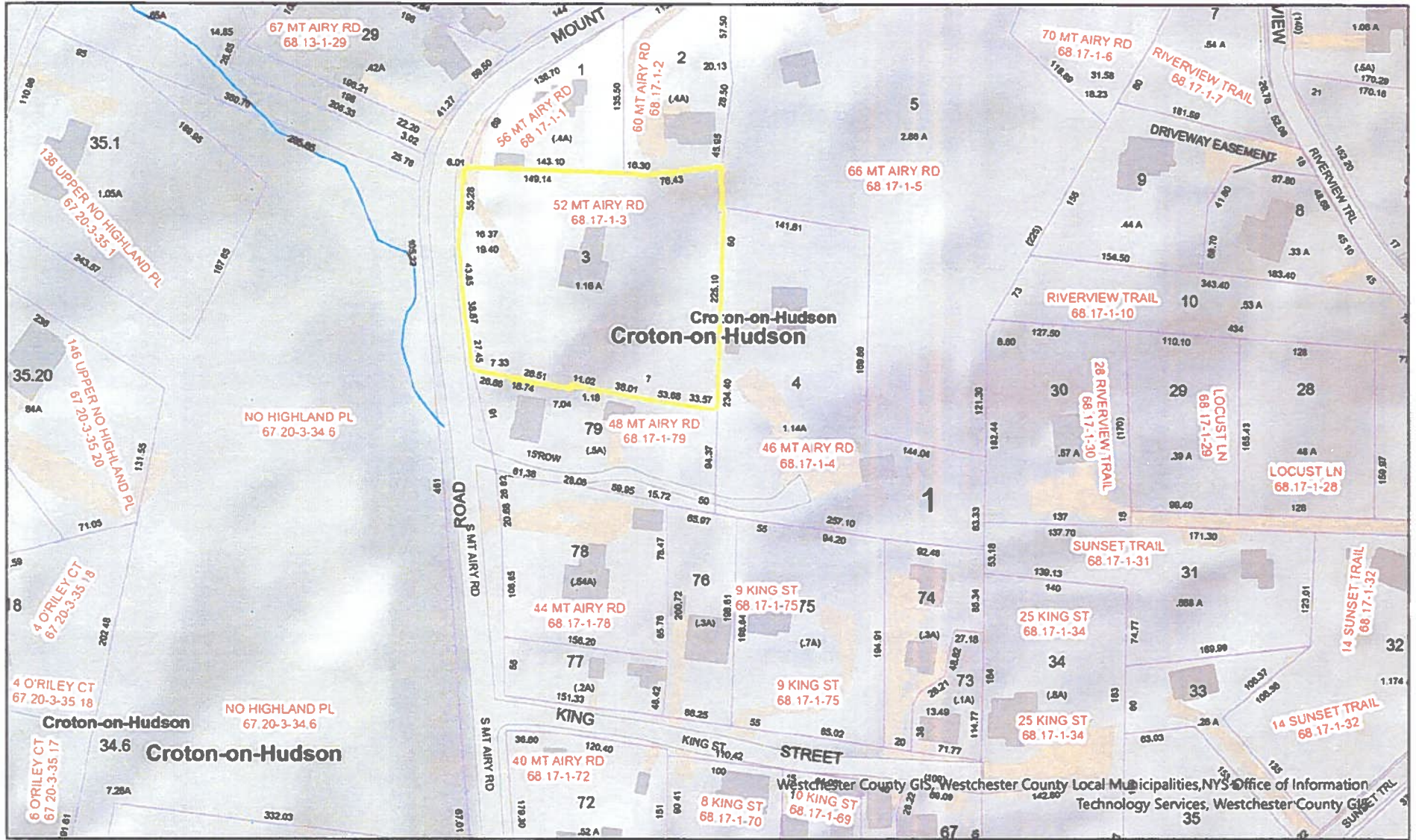
Kory Salomone
Jaclyn V. Cohen

cc: Vincent Salanitro, Village Engineer/Building Inspector
52 Mt Airy Rd LLC
Mastrogiacomo Engineering, P.C.

Exhibit A

Tax Map

52 MT AIRY RD. ID: 68.17-1-3 (Croton-on-Hudson)



February 17, 2026

Tax parcel data was provided by local municipality. This map is generated as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact local municipality assessor's office.

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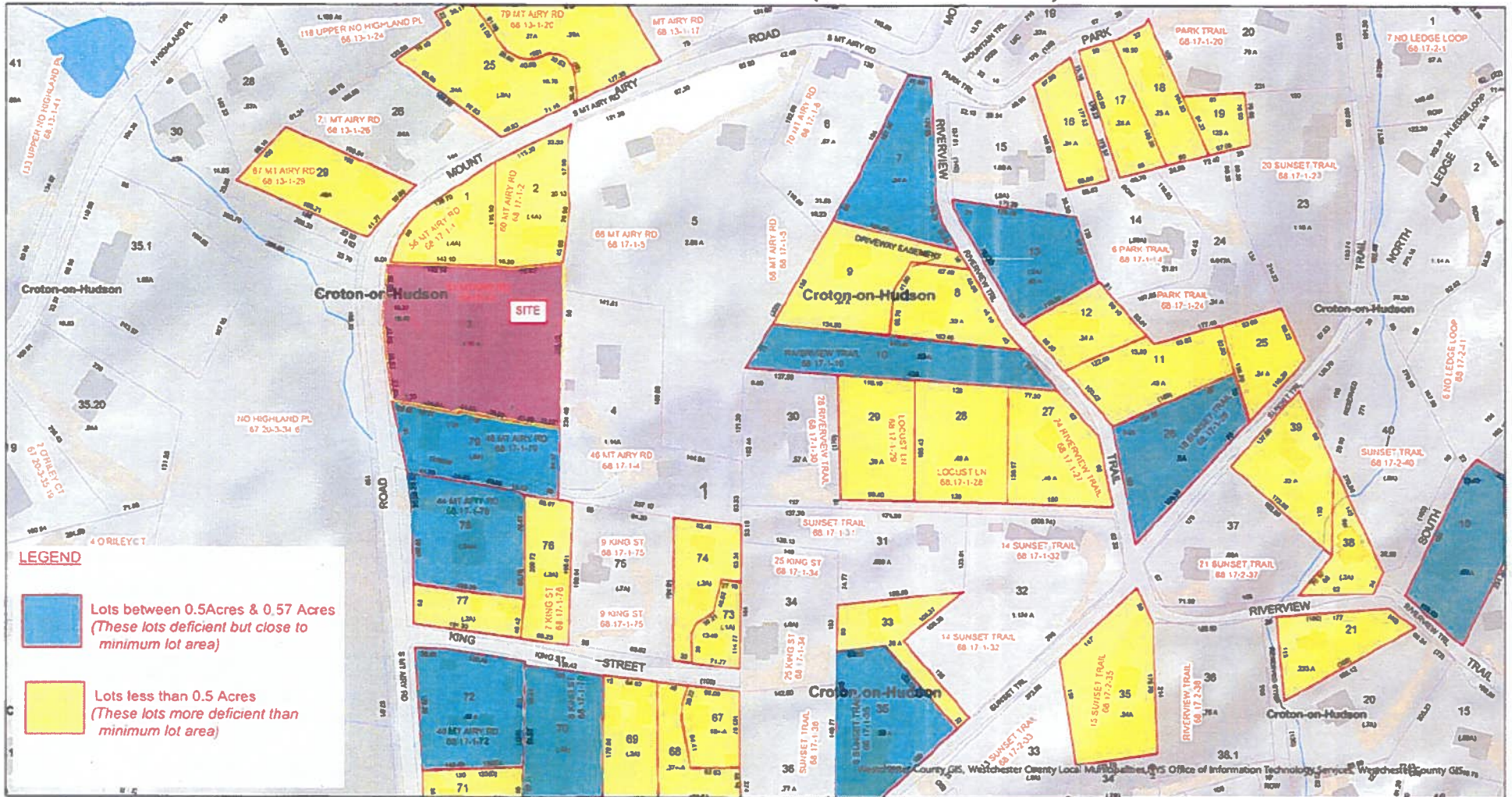
Westchester County GIS

<http://giswww.westchestergov.com>
 Michaelan Office Building
 148 Martine Avenue Rm 214
 White Plains, New York 10601

Exhibit C

Parcel Map

52 MT AIRY RD. ID: 68.17-1-3 (Croton-on-Hudson) EXISTING CONDITIONS



January 20, 2026

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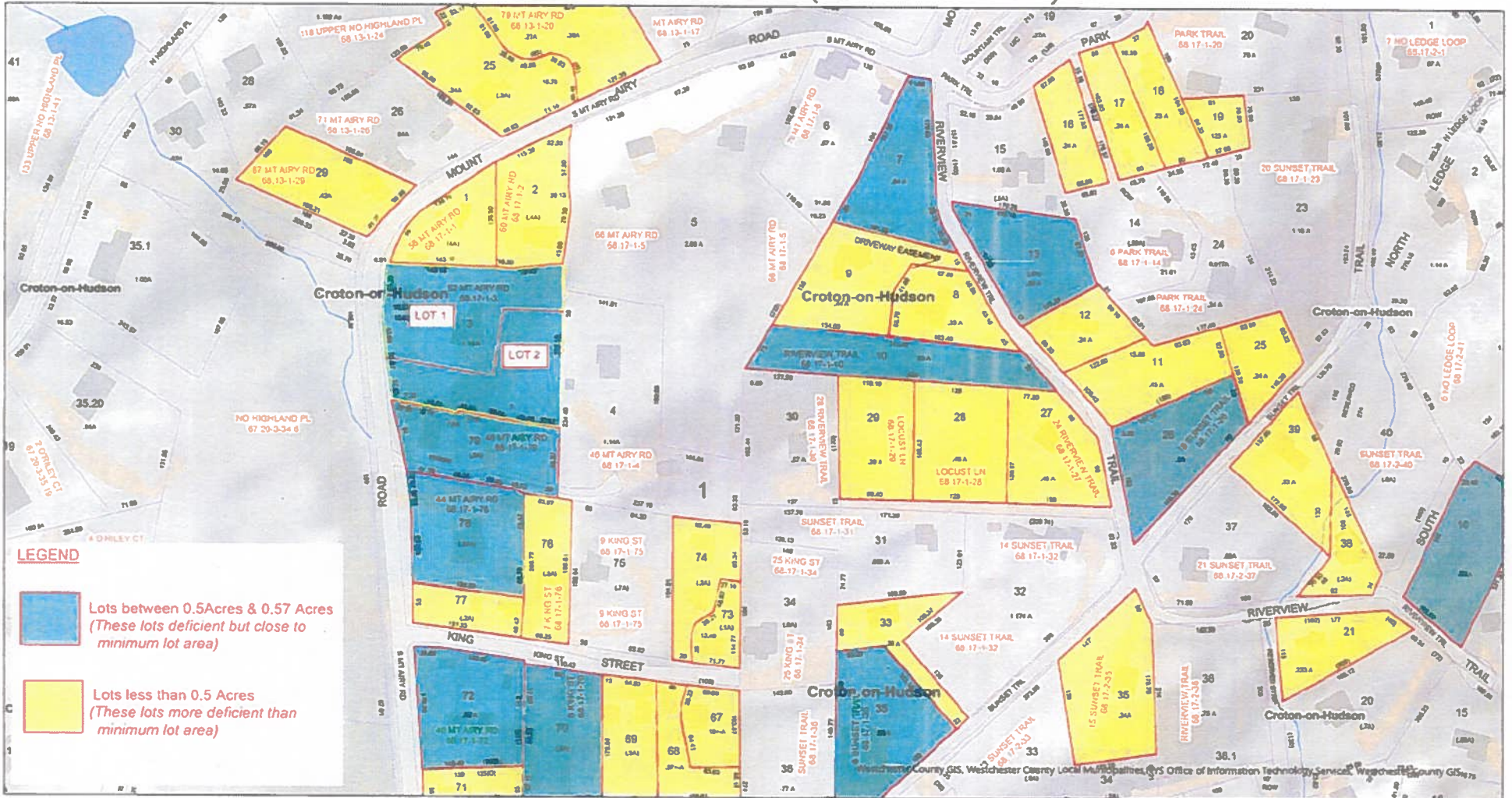
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Westchester County GIS

<http://giswww.westchester.gov>
 Information Office Building
 148 Martine Avenue, P.O. 214
 West Point, New York 10591

52 MT AIRY RD. ID: 68.17-1-3 (Croton-on-Hudson) PROPOSED CONDITIONS



January 20, 2026

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