

Village of



**Croton-on-Hudson**

Engineering Department  
Stanley H. Kellerhouse Municipal Building  
One Van Wyck Street  
Croton-on-Hudson, NY 10520-2501  
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**Zoning Board of Appeals**  
**Application (ZBA)**

(Form # Eng-§230-160)

(Revised 11.2025)

**Application Date:** 12.29.2025

**Application #:** 20250742

**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: 1 Lot: 3

Property Location (street address): 52 Mt Airy Road

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: Cortese First Name: Andrew MI: \_\_\_\_\_

Company: 52 Mt Airy Rd, LLC

Address: 85 Ashford Ave, Dobbs Ferry, NY 10522

Address: \_\_\_\_\_

Phone #: [REDACTED] Cell #: [REDACTED] E-mail: [REDACTED]

**Property Owner:**  Same As Above

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

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 Please note the application **fee is non-refundable** even in the event the application is withdrawn.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 3rd Tuesday of each month at 7 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): 230-33

Description of variance requested:

Requesting an Area Variance for the RA-25 Zone for Minimum Lot Area for the two proposed lots. Proposed Lot "A", the proposed Lot Area is 24,741.50 Sq.Ft., a variance of 281.50 Sq.Ft. is requested. Proposed Lot "B", the proposed Lot Area is 24,741.60 Sq.Ft., a variance of 281.40 Sq.Ft. is requested.

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard	_____	_____	_____
Total Side Yard	_____	_____	_____
Front Yard	_____	_____	_____
Rear Yard	_____	_____	_____
Lot Area (Lot "A")	25,000 SF	24,718.50 SF	281.50 SF
Lot Area (Lot "B")	25,000 SF	24,718.60 SF	281.40 SF

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. The minor variances for each lot will not create an undesirable change to the character of the neighborhood. There are other properties with undersized lot areas less than the required. 2. We decided to have both lots have less than the required lot areas instead of only one lot having the deficiency. 3. The requested variances are 1.13% and very miniman. 4. As noted earlier, other adjacent properties are similar with undersized lot areas. 5. The difficulty is not self-created as existing overall property contains 49,437.10 Sq.Ft. and we are shy 562.90 Sq.Ft. and the deeds metes and bounds dictate the size.

(can use separate paper if necessary)

Have any previous area variance applications been made?  
Description of previous variance:

yes  no If so, give date: \_\_\_\_\_

**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?  
Description of previous special permit:

yes  no If so, give date: \_\_\_\_\_

**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 Variances**

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.

Andrew Cortese  
Applicant's Name (please print)

[Signature]  
Applicant's Signature

12/29/25  
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.<sup>00</sup>

Date paid: 12/30/25

Rec'd by: [Signature]