

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 Mastrogiamomo 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.<sup>1</sup> 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.<sup>2</sup> This wooded area can continue to provide habitat for deer, foxes, hawks, vultures, and related common suburban animal species.

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<sup>1</sup> 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.").

<sup>2</sup> 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



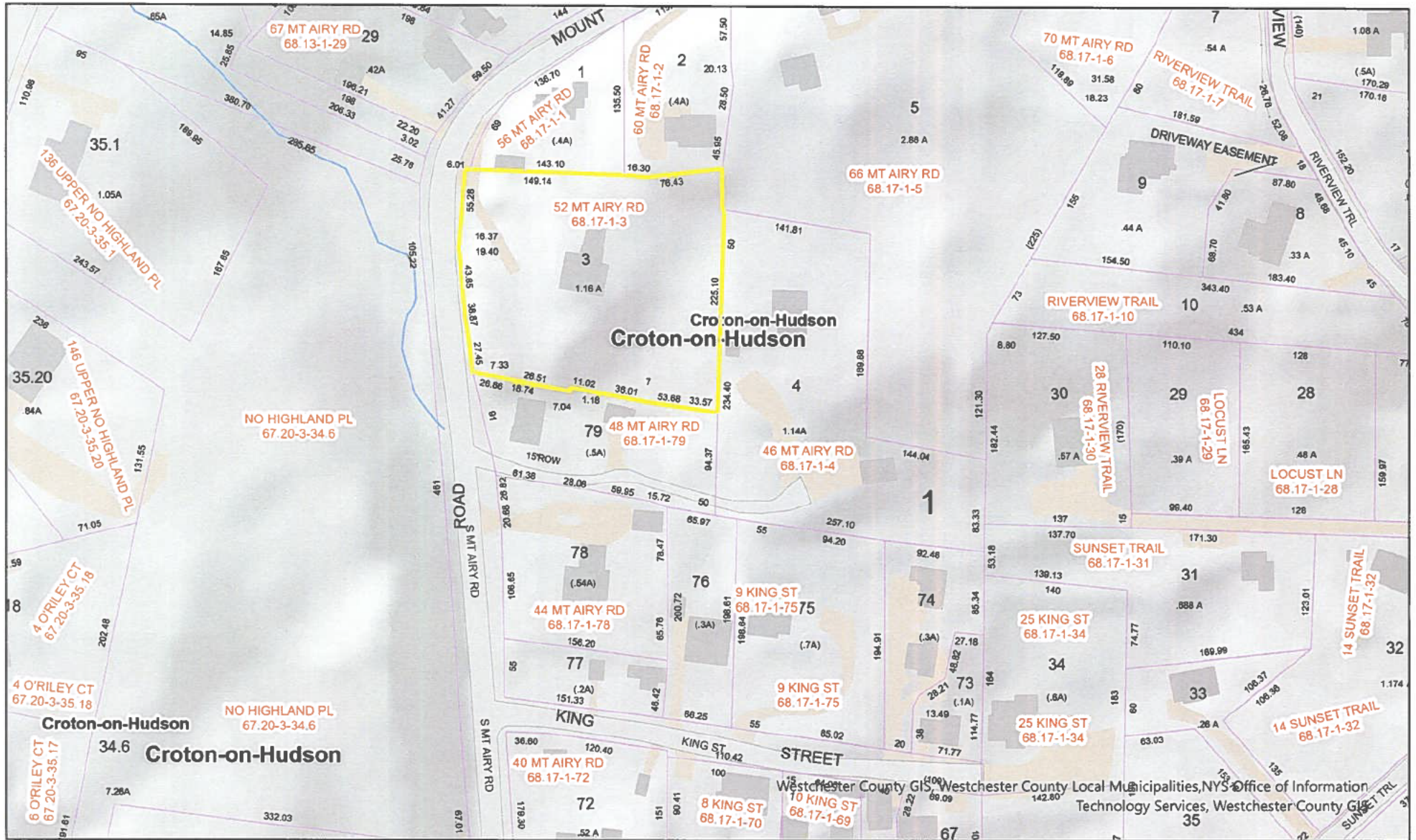
Kory Salomone  
Jaclyn V. Cohen

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**

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

**Exhibit B**

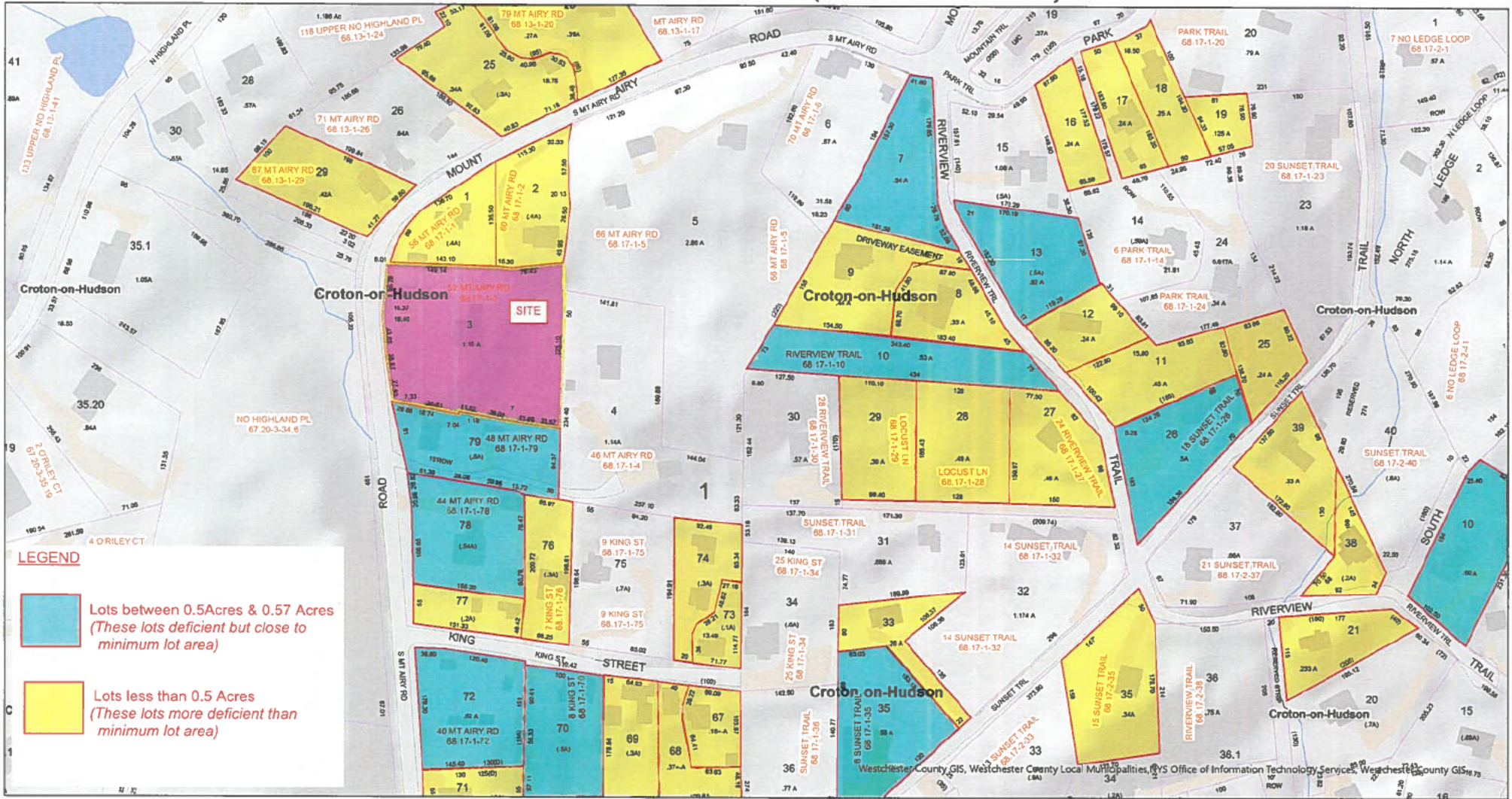
**Aerial**



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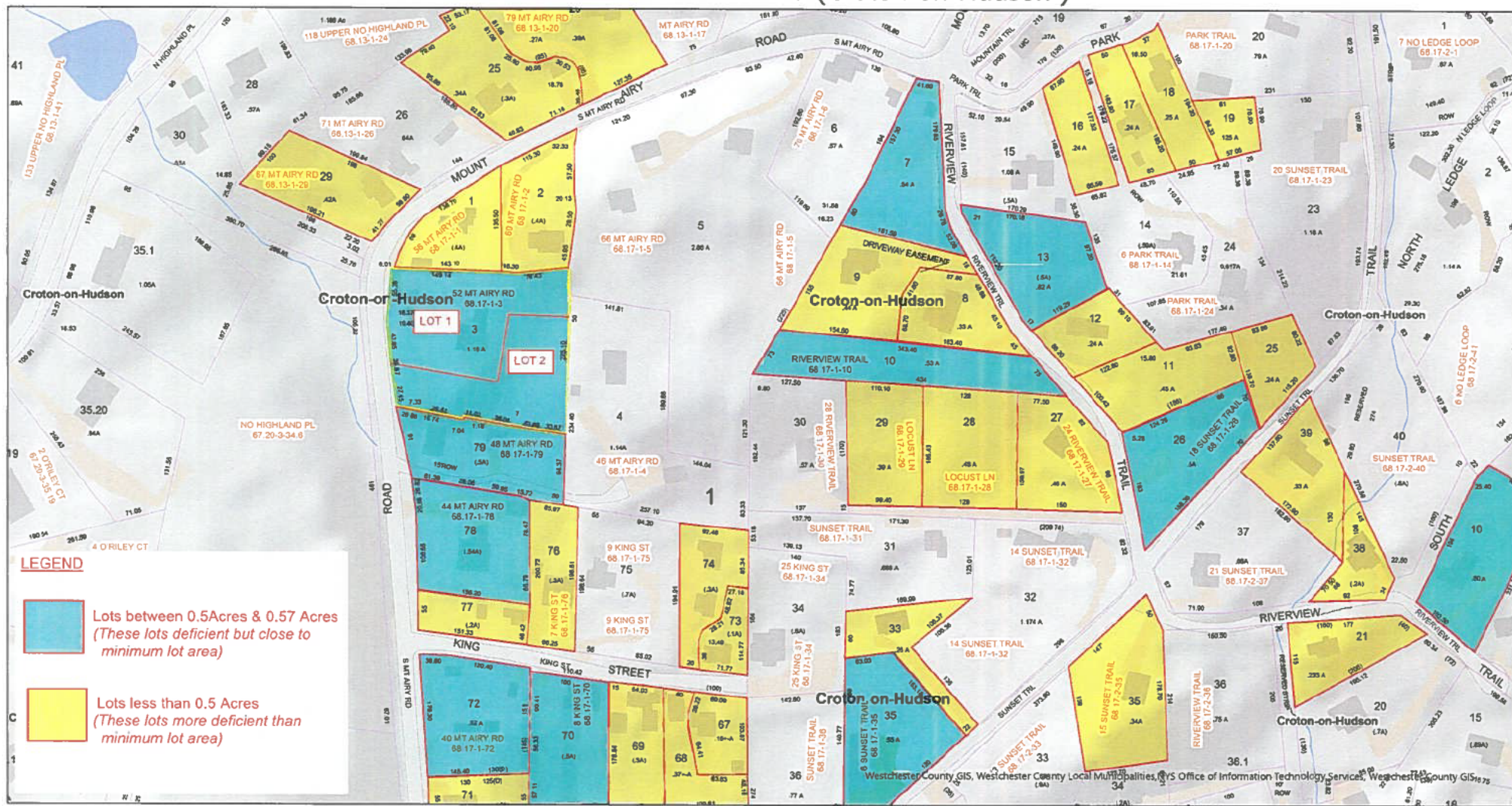
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# 52 MT AIRY RD. ID: 68.17-1-3 (Croton-on-Hudson) PROPOSED CONDITIONS



January 20, 2026

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