

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)**

RECEIVED (Form # Eng-§230-160)

APR 29 2026

Engineers Office

(Revised 05 2024)

Application Date: 4/28/2026

Application #: 20260279

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: 79.5 Block: 4 Lot: 62

Property Location (street address): 71 Irving Avenue

- Zoning District RA5 RA9 RA25 RA40 RB (2 family) RC Multiple Residence
 Limited Office O-1 O-2
 Commercial CI 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: Arnow First Name: Joseph MI: _____

Company: Joseph Arnow AIA, Architect

Address: 12 Glengary Road, Croton-on-Hudson, NY 10520

Address: _____

Phone #: [REDACTED] Cell #: [REDACTED] E-mail: jarnow@josepharnowarchitect.com

Property Owner: Same As Above

Last Name: Liard First Name: Donald and Elizabeth MI: _____

Company: _____

Address: 71 Irving Avenue, Croton-on-Hudson, NY 10520

Address: _____

Phone #: [REDACTED] Cell #: [REDACTED] 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 Please note the application **fee is non-refundable** even in the event the application is withdrawn.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): 230-33

Description of variance requested:

-- The original building was built in 1948. It was located in District C which is now RA-5. Per the latest survey from 2016, the Front (North) Setback of the Original Building is 19.4', which is in compliance with the 15.0' minimum front setback. A 2 foot variance was granted in 2019 allowing the construction of a front deck 13 feet from the front property line. The submitted plans show this front deck constructed in accordance with the previously approved variance.

-- The current building is 1.5 stories, and the applicant proposes to add a 2nd story and attic on top of the 1st floor footprint and to add a 1-story 5.9' deep front addition for an enclosed Entry and Mudroom on the 1st Floor and a Closet on the 2nd Floor, which would encroach 1.5' into the required front setback. There would be no changes to the other existing setbacks, which are in compliance with the current Zoning Code. There would also be a portico that would be in compliance with the Zoning Code.

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard	_____	_____	_____
Total Side Yard	_____	_____	_____
Front Yard	15'	13.5'	1.5'
Rear Yard	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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. There are several 2.5 story homes in the vicinity of the property. The portico in the front of the building would be in compliance with the Zoning Code per 230-40 E for width and depth calculated from the required 15 foot setback. Behind the portico, the 1.5' extension for the 1-story front addition will not be very evident. The house is the last house at the end of a dead-end street. No undesirable change in the character of the neighborhood or detriment to nearby properties will occur.
2. The front addition is intended to provide an enclosed 1st Story Entry and Mudroom with a 2nd Floor Closet and the additional 1.5' would permit a reasonable space for the Mudroom.
3. The request area variance is not substantial.
4. There will be no adverse effect or impact on the environmental conditions in the neighborhood or district.
5. The difficulty is self-created.

Have any previous area variance applications been made?

yes no If so, give date: 3/13/2019

Description of previous variance:

71 Irving had an approved 2'-0" Front Yard Setback variance for the existing front deck.

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?

yes no If so, give date: _____

Description of previous special permit: _____

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: _____

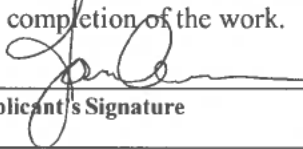
Description of previous use variance:

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 N/A
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.

Joseph Arnow
 Applicant's Name (please print)


 Applicant's Signature

4/28/2026
 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: \$ 375⁰⁰

Date paid: 4/29/26

Rec'd by: JA

RESOLUTION

Julio Valenzuela and Morgan Shapero have applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for a front yard variance from Village Zoning Code Section 230-33(A) for the proposed construction of a new deck with partial roof cover.

The property, at **71 Irving Avenue**, is located in a RA-5 District and is designated on the Tax Maps of the Village as Section 79.05 Block 4 Lot 62.

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.
2. The benefit sought by the applicant cannot be achieved by a method other than the requested variance;
3. The requested variance is not substantial;
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 the application for a 2.0 ft. front yard variance for a proposed construction of a new deck with partial roof cover is hereby **GRANTED** subject to the following conditions, and further finds the variance granted herein is the minimum variance necessary and adequate.

Motion: Doug Olcott

Second: Mark Aarons

Vote: AYES 5 NAYS 0

Condition(s):

1. That, 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".
2. That, the variance(s) is(are) granted based on the plans and other documents submitted in support of the application.

Dated: 03/13/2019

