

THE LAW OFFICE OF KORY SALOMONE, P.C.

501 MARBLE AVENUE  
PLEASANTVILLE, NEW YORK 10570  
Tel: (914) 219-0789  
Fax: (914) 709-4605  
ks@ksalomonelaw.com

September 1, 2020

Brian Pugh, Mayor  
Village of Croton-on-Hudson  
1 Van Wyck Street  
Croton-on-Hudson, NY 10520

**Re: 25 S. Riverside Avenue, Croton-on-Hudson, New York**  
**Special Permit Application**

Hon. Mayor and Members of the Board of Trustees:

**I. INTRODUCTION**

This firm represents Ralph Rossi and Philip Spagnoli, (collectively the "Applicant"), contract vendees of the property located at 25 S. Riverside Avenue (the "Subject Property"), in connection with this application for a special use permit pursuant to § 230-16.2(B)(2) of the Croton-on-Hudson Zoning Code. The purpose of this application is to obtain special permit approval for a 44-unit, multi-family housing building on the Subject Property.

Section 230-16.2(B)(2) of the Zoning Code permits multi-family housing in the Riverside Transition C-1R(B) district, subject to meeting the requirements of Article X of the zoning code. As will be discussed in more detail below, it is respectfully submitted that this application meets all the goals and objectives contained in § 230-58.

**II. DESCRIPTION OF SITE AND ZONING**

The Subject Property is located at 25 South Riverside Avenue and consists of an assemblage of four parcels. Aerial images of the site are attached hereto as **Exhibit A**. The parcels are identified on the tax assessment map of the Village of Croton-on-Hudson as parcel numbers 78.8-5-42, 43, 59, and 60. The relevant portion of the tax assessment map is attached hereto as **Exhibit B**. The Subject Property is approximately 1.20 acres and is located in the Riverside Transition C-1R(B) zoning district. The western side of the site along South Riverside avenue is at an elevation of approximately 23 ft. The site elevation rises to the east, with an eastern elevation of approximately 76 ft. The site is currently improved with an approximately 6,000 s.f. two-story structure.

### **III. 2020 COMPREHENSIVE PLAN AMENDMENT**

In 2019 the Village completed the Municipal Place Gateway and North Riverside Neighborhood Zoning Study, which became the 2020 Amendment to the Comprehensive Plan (hereinafter the “2020 Amendment”). As provided in the 2020 Amendment, “The purpose of the zoning study was to examine where opportunities exist in [the Municipal Place Gateway and North Riverside Area] to support appropriate growth to promote long term stability, and to propose responsive zoning changes and design guidelines.” Goal 4 of the 2020 Amendment is to determine the potential for additional residential uses. The 2020 Amendment further provides that most recent developments have provided single-family homes “best suited for families,” while the demand for appropriately sized housing for aging Croton residents, young couples without children, and Village personnel is growing<sup>1</sup>. The proposed one- and two-bedroom apartments will help to meet the goals of the 2020 Amendment and satisfy this identified growing housing demand.

The Subject Property is located within the North Riverside Neighborhood Area and is identified as a “Transitional Area.” As per the 2020 Amendment, Transitional Areas are more suburban in feel and have been recommended for zoning changes, which would allow for 3 stories<sup>2</sup> (within 35 ft.) and all residential uses. This position was reiterated on page 53 of the 2020 Amendment where it was proposed that the Subject Property be rezoned to the new C-1R(B) zoning district. This would allow for an increase in the number of stories permitted, from 2 to 3, and would require a 15-foot setback to ensure a continuous landscaped frontage. Finally, the 2020 Amendment concluded that allowing residential development in this area would “strengthen neighborhood vitality and will help support businesses in the core area of the North Riverside Neighborhood<sup>3</sup>.”

In March of 2020, your Board adopted the recommendations contained in the 2020 Amendment and re-zoned, among other properties, the Subject Property to the C-1R(B) zoning district. In connection with this action, your Board received recommendations from the Village Planning Board, the Westchester County Planning Board, and the Waterfront Advisory Committee. Based upon these recommendations and your Board’s findings, a negative declaration was adopted, and it was determined that the re-zoning was compliant with the policy standards and conditions and is consistent with the policies of the Local Waterfront Revitalization Program (“LWRP”).

The Applicant’s proposed multi-family building was developed and designed based upon the goals of the 2020 Amendment and the C-1R(B) zoning requirements. Other than the minor FAR variance being requested, the plan is fully zoning compliant. As such, it is respectfully submitted that the proposed development is compliant with the Village Comprehensive Plan and the LWRP.

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<sup>1</sup> 2020 Amendment, page 17.

<sup>2</sup> Increased from the previous two-story limitation.

<sup>3</sup> 2020 Amendment, page 54

#### **IV. CURRENT PROPOSAL**

The Applicant is proposing to construct an approximately 54,264 s.f., three-story multi-family building on the Subject Property. The building will consist of a total of 44 units, with a mix of 28 one-bedroom units and 16 two-bedroom units. The one-bedroom units will range in size from 715 s.f. to 918 s.f., and the two-bedroom units will range in size from 1,143 s.f. to 1,275 s.f. Parking is proposed within a 66 space, partially below grade parking garage. A rendering of the proposed multi-family building is attached hereto as **Exhibit C**. Amenities within the building include: (i) rooftop/outdoor lounge; (ii) fitness center with floor to ceiling glass providing river views; (iii) flexible co-working space with floor to ceiling glass providing river views; and (iv) apartments with outdoor terraces. Additionally, the building will include a rooftop solar panel array and high efficiency air sourced heat pumps.

In support of this application, the following plans are submitted herewith:

1. Cover Sheet, prepared by Day Stokosa Engineering, P.C., dated June 12, 2020, last revised August 28, 2020;
2. Existing Conditions, prepared by Day Stokosa Engineering, P.C., dated June 12, 2020, last revised August 28, 2020;
3. Parking Layout/Grading plan, prepared by Day Stokosa Engineering, P.C., dated June 12, 2020, last revised August 28, 2020;
4. Landscape Plan, prepared by F. Capparelli Landscape Design, dated August 18, 2020;
5. Landscape Plan, Wall Materials, prepared by F. Capparelli Landscape Design, dated August 18, 2020;
6. A100 - Garage Level Plan, prepared by Day Stokosa Engineering, P.C., dated August 28, 2020;
7. A101 – First Floor Plan, prepared by Day Stokosa Engineering, P.C., dated August 28, 2020;
8. A102 – Second Floor Plan, prepared by Day Stokosa Engineering, P.C., dated August 28, 2020;
9. A103 – Third Floor Plan, prepared by Day Stokosa Engineering, P.C., dated August 28, 2020; and
10. A200 – Elevations, prepared by Day Stokosa Engineering, P.C., dated August 28, 2020.

As can be seen on the enclosed plans, the applicants are utilizing the significant change in grade to nestle the building into the site. The parking is being provided below the existing grade, with three stories of apartments above. The first-floor elevation is tentatively set at 26'-6" and the roof is at an elevation of 58'-0". Accordingly, the building is compliant with the 3 story/35 feet height limitation established for the C-1R(B) zoning district. The project's compliance with height limitations established in the zoning code limits any visual impacts to the neighbors to the east, whose first-floor window elevations vary from 89 to 99 ft., roughly 31 to 41 ft above the building's proposed roof line. This position is supported by the 2020 Amendment, which concludes that due to the significant slope at the rear of the Subject Property "a 35 foot building, as allowed under existing [and amended] zoning, would not significantly impact views of the Hudson River from upland areas<sup>4</sup>." Figure 21: North Riverside Neighborhood – Section of Transition Area, provides a graphic depiction illustrating this point.

As shown on the zoning compliance chart contained on the plan entitled Cover Sheet, the proposed site development is compliant with all zoning provisions except for the maximum floor area ratio ("FAR") of 0.8<sup>5</sup>. The Applicant is seeking an FAR of .99. This increased FAR will not result in additional residential units. Instead, it will allow for the maximum utilization of all areas of the building to provide its residents with significant, high-end amenity space. Accordingly, the Applicant will need to obtain the necessary variance from the maximum FAR requirement from the Zoning Board of Appeals ("ZBA"). It should be noted that one of the reasons given for reducing the allowable FAR from the previously allowable 2.0 (in the C-1 district) to 0.8 in the C-1R(B) centered on the inability of certain properties to provide the off-street parking associated with an FAR of 2.0<sup>6</sup>. In this case, the 66 parking spaces provided are fully zoning compliant.

## **V. CONSIDERATION FOR SPECIAL PERMIT APPROVAL**

**A. Necessity for Special Permit Approval:** As set forth above, the Subject Property is located in the C-1R(B) zoning district. Pursuant to § 230-16.2(B)(2), multi-family housing is permitted in the C-1R(B) zone, subject to the issuance of a special permit by the Village Board of Trustees.

**B. Special Permit Objectives and Goals:** Pursuant to § 230-58 of the zoning code, all special permit applications shall be reviewed by the Planning Board. In reviewing a special permit application, "the Planning Board shall take into the consideration the public health, safety, and welfare and the comfort and convenience of the public in general and the immediate neighborhood in particular." Additionally, § 230-58(A-E) provides additional objectives and goals, which should be achieved.

It is respectfully submitted that the proposed multi-family building will not be a detriment the public health, safety, and welfare of the community. Nor will it impact the

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<sup>4</sup> 2020 Amendment, page 47

<sup>5</sup> It should be noted that prior to rezoning to the Subject property from the C-1 district to the C-1R(B) district, the maximum FAR was 2.0.

<sup>6</sup> 2020 Amendment, page 32.

comfort and convenience of the public in general or the immediate neighborhood. In fact, as discussed in section III above, the proposed multi-family residence complies with the goals of the 2020 Comprehensive Plan amendment and, therefore, will prove to a benefit to the Village.

The additional objectives and goals contained in § 230-58(A-E) are listed below, followed by an explanation of how each is met.

*A. The accessibility of all proposed structures to fire and police protection.*

The proposed project is located on S. Riverside Avenue (Route 9A), a State Highway. As such, it is accessible to fire and police. There is an existing fire hydrant nearby, and a fire station (Washington Engine) is located less than one-half mile away. Finally, the proposed building will have a sprinkler system as required by code.

*B. The compatibility of the location, size and character of the proposed use with the orderly development of the zoning district in which it is located and with that of adjacent properties in conformity with the zoning district applicable to such properties.*

As discussed in Section III above, the Subject Property was recently re-zoned in connection with the 2020 Amendment. Further, the development plan is compliant with both the 2020 Amendment and the zoning code, except for a relatively minor variance from the maximum FAR requirement. There are few immediate neighbors, and given the topography in the area, there will be no visual impacts to homes situated above the Subject Property. Therefore, the proposed project is consistent with orderly development of the zoning district in which it is located.

*C. The safety, convenience and congruity with the normal traffic of the neighborhood and of the pedestrian and vehicular traffic generated by the proposed use, taking into particular account the location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets.*

Access to the proposed building will be via South Riverside Avenue (Route 9A), which provides ample sight distance in both directions. As described in detail in the Traffic Report prepared by Provident Design Engineering (attached hereto as **Exhibit D**), there will be a nominal increase in peak hour trips. Any increase in vehicular trips at adjacent intersections would be negligible and not even noticed by existing traffic travelling through those intersections.

*D. The compatibility of the location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site with adjacent land and buildings and their appropriate development.*

The height of the proposed building is compliant with the existing zoning regulations. The development of the Subject Property includes extensive landscaping. In addition, the development of the subject property will be compatible with the adjacent land and buildings and their appropriate development.

*E. The preservation of ecological or environmental assets of the site or adjacent lands.*

It is respectfully submitted that this criterion is not applicable. Further, the proposed multi-family building will have no adverse effect on the environment.


## **VI. CONCLUSION**

Attached hereto as **Exhibits E, F, and G** are the special permit application, Short Environmental Assessment Form, and Coastal Assessment Form respectively, together with the application fee check in the amount of \$3,000.00.

Please place this matter on the Board of Trustees' September 8, 2020 agenda for: (i) an initial presentation; (ii) referral to Planning Board and the Waterfront Advisory Council for their review and recommendation; and (iii) referral to the Westchester County Planning Board.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

  
Kory Salomone

Cc: Janine King  
Daniel O'Connor, P.E.  
Ralph Rossi  
Philip Spagnoli