

PUBLIC HEARING
TOWN OF OSSINING
ZONING BOARD OF APPEALS

Joann Cheney
5 Decker Road
SBL 90.14-2-5

Proceedings

John Paul Rodrigues
Ossining Operations Center
101 Route 9A
Ossining, NY 10562

March 2, 2020

7:30 pm

PRESENT:	SALVATORE CARRERA	- Chairman
	DAVID KRIEGER	- Member
	DAVID O'NEIL	- Member
	DAVID WHITLINGER	- Member
	THOMAS WILLS	- Alternate Member
ABSENT:	JAMES BLAIR	- Member
ALSO PRESENT:	CHRISTIE TOMM ADDONA	- Town Attorney
	JOHN HAMILTON	- Building Inspector
	SANDY ANELLI	- Recording Secretary

CHAIRMAN: Good Evening. This is the March 2, 2020 meeting of the Zoning Board of Appeals Town of Ossining. My name is Sal Carrera, Chairman, and joining me this evening are Members of the Zoning Board of Appeals, Town Attorney, Building Inspector and our Secretary.

Please introduce yourselves for the record.

MS. ANELLI: Sandy Anelli, Secretary.

MR. WILLS: Tom Wills, Alternate Member for Jim Blair.

MR. WHITLINGER: David Whitlinger, Member.

MR. KRIEGER: David Krieger, Member.

MR. O'NEIL: David O'Neil, Member.

MS. ADDONA: Christie Addona, Attorney.

MR. HAMILTON: John Hamilton, Building Inspector.

CHAIRMAN: I will read the public notice and then request that the applicant or the representative give a brief explanation of the relief sought. Any one that has a comment should raise their hand and state their full name and address. After comments are received, the Board will try to render a decision this evening.

Notice of Public Hearing.

Notice is hereby given that a Public Hearing of the Town of Ossining Zoning Board of Appeals will be held on Monday, March 2, 2020 at 7:30 p.m. in the John Paul Rodrigues, Ossining Operations Center, 101 Route 9A, Ossining, New York, on the application of Joann Cheney, 5 Decker Road, Ossining, New York for a variance from the terms of the Zoning Code of the Town of Ossining, Section 200-21; Bulk Regulations for One-Family Residences in the R-15 Residential Zoning District.

The applicant is seeking a front yard variance and a side yard variance to construct a (1) story attached single-car garage addition on the left side of the existing residence. The applicant proposes a front yard setback of 25.38' where 30' is required and a side yard of 10.69' where 14' are required.

The property in question is located at 5 Decker Road, Ossining, New York and identified on the Tax Map of the Town of Ossining as Section 90.14, Block 2, Lot 5 in the R-15 Zoning District.

All interested persons are invited to attend the Public Hearing and be heard on this matter. Application materials and plans are available for public inspection at the Town of Ossining Building Department Office, 101 Route 9A, Ossining, NY, and online at:

<https://www.townofossining.com/cms/publications/zoning-board>

By order of the Zoning Board of Appeals, Sal Carrera, Chairman, dated: February 21, 2020.

MR. DEMASI: Thank you Mr. Chairman. I'm Lou DeMasi, I'm the Architect for Ms. Cheney. What we are seeking tonight is a variance for a one-car garage located on the left side of the house. Currently, the driveway is located in that spot so we did play around with some different ideas trying not to get a variance but because of the driveway and because of the minimal impact of the side yard. We figured the garage would be best suited in that spot so we didn't have to do too much finagling with the existing driveway. The variances are very minor. I think the overall look of the house would be improved by the garage located on this side. The house did have a garage there at one time but it was filled in prior to the owner buying this property. So, in order to get a garage, we would like to put it on this side of the house. If there are any questions I could possibly answer.

MR. KRIEGER: When you say it was filled in?

MR. DEMASI: Oh, it was converted to living space. It was converted to a playroom or family room.

CHAIRMAN: How long have you owned the house?

MS. CHENEY: Last March, no I'm sorry, last February.

CHAIRMAN: Questions from any of the Board Members? I hope all of you took a look at the site.

MR. KRIEGER: A couple of minor things. On page one of three on the Short Environmental Assessment Form, it says "16,000 acres" I believe that should be square feet.

MR. DEMASI: That should be square feet. We wouldn't be seeking a variance if that were the case.

MR. KRIEGER: and of course the form on page three of three was not signed. Minor things.

MR. DEMASI: I will make sure I take care of that.

CHAIRMAN: Crossing the T's and dotting the i's, the Building Inspector and our esteemed Secretary will make sure you follow up on that before you move forward.

MR. DEMASI: Sure.

CHAIRMAN: Questions from the Board or the Audience. Let's do the audience first. If you have any comments or questions for this.

MR. DREXLER: My name is Curt Drexler and I live next door at 3 Decker Road. There is no impact to us as far as we're concerned. The way the topography is, our property is situated much higher. The slope down that is just non-usable property for us. We never even go to that side, other than to cut the lawn and to look down and check on our new neighbor and the prior resident who was a longtime friend and we'd just keep an eye on her. With that said, as far as the impact of the setback, it really has no bearing on our property, our marketability, or our value. Frankly, we think that it would be an enhancement to the neighborhood and certainly help improve the value of the property which is a benefit to us long term to help drive up values, plus we want to be a good neighbor.

CHAIRMAN: Would you put into the record the letter they sent us.

MS. ANELLI: Yes.

CHAIRMAN: And I appreciate you being here this evening.

A letter from Catherine Lia, 3 Decker Road, Ossining, NY 10562, dated March 2, 2020 addressed to the Zoning Board regarding the variance for 5 Decker Road was on file as follows:

I am the owner of 3 Decker Road in Ossining, NY. I am aware my neighbor Joann Cheney at 5 Decker Road, Ossining has applied for a variance to build a garage. Please be advised I have no objection to this variance.

Sincerely,

Catherine Lia.

CHAIRMAN: Any questions from our Board Members?

MR. O'NEIL: Just one comment or question, will there be any landscape screening around the propane tanks on that side?

CHAIRMAN: When I visited the site, I had asked the same question. That's why I was hoping the neighbors sent a letter or would come in. It's very, very difficult on that side to put any type of screening, from what I thought anyway, that would take because the root systems from all of the other trees that are located on the neighbors piece of property. During the course of me thinking this through, from my own perspective, they are really high up and it only affects them and I don't think there's much that can be done on that side of the property that's going to enhance or take away from what is currently there. That's my opinion.

MR. DREXLER: Do you mean from an esthetics prospective? The oil tank is there now.

CHAIRMAN: I mean there were a number of trees that were there before that were cut down.

Also, I saw stumps there.

Anything else?

CHAIRMAN: If there are no other comments from the Audience or the Board, I would like to close the public hearing.

MR. KRIEGER: So moved.

Mr. Krieger made a motion, seconded by Mr. Whitlinger, and it was unanimously passed to close the public hearing at approximately 7:39 p.m.

CHAIRMAN: All in favor of granting a variance?

And so that you all understand the criteria for an area variance:

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;

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

Whether the requested area variance is substantial;

Whether the proposed variance will have an adverse effect on the physical or environmental conditions in the neighborhood or district;

Whether the alleged difficulty was self-created – this factor is relevant to the decision, but the fact that the difficulty was self-created does not preclude granting the area variance.

Knowing these criteria, I think we should be able to reach a decision.

Those in favor of granting this variance?

CHAIRMAN: In Favor.

MR. WILLS: Yes.

MR. WHITTLINGER: Yes.

MR. KRIEGER: Yes.

MR. O'NEIL: Yes.

CHAIRMAN: Let the record show it is the unanimous decision of the Zoning Board to grant the variances requested. Just go get your building permit and have a lot of fun doing your construction and getting your car indoors.

MS. CHENEY: Thank you.

MR. DEMASI: Thank you.

MS. ADDONA: Let me just state for the record with respect to SEQRA, this was a type II action and because it's a single-family home therefore no further environmental review is required.

MS. CHENEY: Thank you.