

PUBLIC HEARING
TOWN OF OSSINING ZONING BOARD OF APPEALS
LUIGI ARENA
13 MANCUSO DRIVE
SBL 89.08-1-31

Zoom Meeting

January 25, 2021

7:30 p.m.

PRESENT:	SALVATORE CARRERA	- Chairman
	DAVID KRIEGER	- Member
	DAVID O'NEIL	- Member
	THOMAS WILLS	- Member
	NICOLAS ENRIQUEZ	- Member
ALSO PRESENT:	CHRISTIE ADDONA	- Town Attorney
	JOHN HAMILTON	- Building Inspector
	SANDY ANELLI	- Recording Secretary

Chairman: Good evening, ladies and gentlemen, this is the January 25 meeting of the Zoning Board of Appeals for the Town of Ossining. My name is Sal Carrera, Chairman, and joining me this evening, all members of the Zoning Board of Appeals, Town Attorney, Building Inspector and Secretary for our department. Please introduce yourselves for the record.

Sandy Anelli: Sandy Anelli, Secretary.

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

David Krieger: David Krieger, Member.

Nicolas Enriquez: Manny Enriquez, New Member.

Tom Wills: Tom Wills, Member.

Christie Addona: Christie Addona, Attorney.

John Hamilton: John Hamilton, Building Inspector.

Chairman: The next hearing is going to be an application of Luigi Arena, 13 Mancuso Drive, I'll read the notice.

NOTICE IS HEREBY GIVEN THAT a Public Hearing of the Town of Ossining Zoning Board of Appeals will be held on Monday, January 25, 2021. All persons are invited to join the meeting by using the link below. **THIS MEETING WILL BE HELD VIA VIDEO CONFERENCING** Pursuant to Governor's Executive Order 202.1 dated March 12, 2020. Members of the public can join the meeting via computer or mobile app:

Join Zoom Meeting

Monday, January 25, 2021 @ 7:30 p.m.

<https://us02web.zoom.us/j/83938154247>

One tap mobile +1-929-205-6099

Meeting ID 83938154247#

Find your local number: <https://us02web.zoom.us/u/kcg7yE0c0S>

****Please note that by dialling in, your phone number will be visible to the host, participants, and attendees of the meeting****

The applicant is seeking a variance from the terms of the Zoning Code of the Town of Ossining, Section 200-21 Attachment 2, Bulk Regulations for One-Family Districts to build an attached 1-story addition to the existing residence which will result in a rear yard setback of 27' 9" from the property line, where 32' are required. The property is owned by Luigi Arena, located at 13 Mancuso Drive, within the unincorporated area of the Town of Ossining and is identified on the Tax Map of the Town of Ossining as Section 89.08, Block 1, Lot 31 in the R-15 One-Family Residence Zoning District.

Chairman: Plans and Application materials titled, "Addition, 13 Mancuso Drive, Town of Ossining 10562" prepared by Mondana Rezanía Architect, 252 S. Highland Avenue, Ossining, NY, dated January 6, 2021, are on file with the Town of Ossining Building Department and can be viewed in person by appointment, or online at:
<https://www.townofossining.com/cms/publications/all-documents/zoning-board/zoning-board-projects>

All interested persons are invited to attend the Public Hearing and be heard on this matter. Please contact our office at 914-762-8419 if you have any questions, if you need assistance with the Zoom meeting process, or need assistance with the Town website. You can email written comment to www.bldgdept@townofossining.com or send written comment by regular mail to: Town of Ossining Zoning Board, P.O. Box 1166, Ossining, NY 10562 in advance of the meeting.

BY ORDER OF THE ZONING BOARD OF APPEALS
Sal Carrera, Sal Carrera, Chairman
Dated: January 15, 2021

Mondana Rezanía: Good evening. I am a Mondana Rezanía, Architect for the project. It's pretty straightforward, I'm sorry I can't share screens. I don't know how to do that, so I'll just describe the project and I think you have a set of plans.

Chairman: No problem.

Mondana Rezanía: The homeowner needs space for the pantry and also the laundry space. The washer and dryer presently are in the corridor space, so the only place to create a space for this was the rear side of the house and it's a one story addition. There are two pieces to it. There is a sunroom where it works as a transition from the kitchen to the pantry that's all it is, it wouldn't have been nice to put it in the pantry right next to the kitchen which is an eating area so and that's it. In addition, the pantry itself encroaches on to the rear 32 feet setback, your setback requirement, and we're asking for a variance for four feet, three inches, actually our addition doesn't need exactly four feet three, but I allowed six inches for mistakes I've been told by surveyors, that don't make the setback, the values, exactly as you have it on your drawing you know mistakes happen, so I allowed six inches for mistakes onsite whatever site conditions, who knows, but our addition, and what we are going to be hope that it can be built, exactly as I've shown on the drawing and the setback will be 28 feet and three and a quarter, so we hope we can achieve that, unless you know site conditions will be maybe another one inch or two inches.

Chairman: Okay, thank you for the presentation, may I ask how long the applicant has owned the house?

Luigi Arena: Good evening. I'm Luigi Arena and we moved to this house about six months ago in July. I purchased the house about a year ago, and then we actually moved in, but in July.

Chairman: This application is for yourself?

Luigi Arena: Yes. It is for myself. Alright, if I can just stress the fact that the house, and if I can share my screen here.

Chairman: Yes, thank you.

Luigi Arena: Alright, I'm going back here, but the house is built on two different levels. I would have preferred to do this internally but it's not possible because one side of the House is about four feet higher than the other side, so if you go across on the wall, on the other side of the kitchen is the floor, and we can actually go through, and as I said.....

(Lost connection)

Luigi Arena: My Internet connection has stopped sharing. What I just said, maybe I'll stop the video, maybe I'll we have a better audio for that. Is the audio okay now?

Sal Carrera, Chairman: Yes, we hear you.

Luigi Arena: Okay, the main problem is that the house is built on two levels and the north side of the house and south side of the house differ about four feet from each other. So it's not possible to get to from inside the space for entry and you will impact them both, the lower level and in the upper level and I would have to sacrifice a bedroom upstairs to do that. So Mondana came back with this solution. That's the only way to do it, is an addition, an external addition to the kitchen, so there was both the problem of the pantry and the laundry room that we don't have, and so forth. Right now, I have all my kitchen stuff in the garage and anytime I need something I have to walk to the garage and so forth, so it's really inconvenient, really, it can be very awkward.

Chairman: Have you been notified? I know our office has not been notified with regards to any comments from neighbors.

Luigi Arena: I had a valuable discussion with the two adjacent neighbors the one to the south side, which is adjacent to me and the one on the west side on the east side actually and they both told me verbally that have no problem with it.

Chairman: Okay, thank you for that and for my members of the board. Again, the criteria for the area variance, and I'm sorry but I have to read it for each application as we move forward to ask additional questions which you have to keep in mind:

Whether an undesirable change will be produced in the character of the neighborhood or 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 other 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.

Chairman: David O?

David O'Neil: No additional questions and just looking at the site plan, it seems that the need for the variance is really a function of the geometry of the site relative to the house, so it's really only a small corner of the addition that's extending into the rear yard and in my mind it's not too much of an issue and compared to the scale of the rest of the house, which is two stories, this is only 10 feet higher so I think the addition makes sense in terms of the location, the scale and the minimal encroachment into the rear yard.

Chairman: Thank you, David. Tom?

Tom Wills: Oh, I go along. I just am still relatively new. I feel just a little uncomfortable that we don't have anything written from the neighbors.

Chairman: Well, that only means a good thing Tom. The bottom line is that, in my 35 years on this board, one of two things are going to happen. You're going to have people that send in letters like with Mr. Seiden and they are joined at the hip because they're properties are right on the side and they took the time to write in a letter saying they had no problems or you will have, similar to this application, where the applicant, and I give him a lot of credit for doing it, he talked to his neighbors.

Chairman: But they did not send anything written and then you have the other end of it, where you have neighbors that are completely against it and will send them letters and have a petition signed by numerous people and that hasn't happened here, so I really don't think that's an issue that we have to really concentrate on now because it's a non entity.

Christie Addona: And another thing is that all the neighbors were notified of this meeting.

Tom Wills: Yes.

Christie Addona: Right.

Tom Wills: I like to dot all the i's, that's all.

Chairman: No problem I mean we're going to open it up to go public anyway, but I wanted to get some more input from our board members, any questions?

Nicolas Enriquez: No, I checked the map and the nearest to house is actually is at least 100 feet from this from this corner and there's a lot of trees. It's covered with trees as well. It's just a quarter of what should be the extension that encroaches on the setback.

Chairman: Thank you Manny. Okay, David?

David Krieger: My only concern was neighbor comments. I trust him that the neighbors have no objections so it's okay with me.

Nicolas Enriquez: I think it's probably better, well I guess the letters or the objections will come when we make this public.

Christie Addona: Yes, it already has been made public in advance of this meeting. Notices were sent to all of the neighbors and they were made aware of the meeting this evening and exactly in the form that the Chairman read before the public hearing started, so if anyone did have an objection they knew how to either submit written comments or to be present for this meeting this evening.

Chairman: And for the new board members, when we have an application, notice, a sign, is put on the lawn so that anybody and everybody driving around, which most of your neighbors would know that something is going on and they would call Sandy to find out, or the Building Inspector, what was going on but we haven't had anything. I'll open it up to the public. Does anybody out there, or do we have a neighbor that wants to say something?

Hank Kelly: Yes, can you hear me?

Hank Kelly: Yes, Okay, my name is Hank Kelly, I live at 6 Mancuso Drive. I'm wondering about the people in the back of the property that there's a fence in the backyard, how about the people on the other side of that, what was their response?

Chairman: There are rules and regulations, Mr Kelly, with regards to the notifications that we send out. Sandy, can you give us a little more insight of the number of people and you know who gets these notices.

Sandy Anelli: Everyone within 500 feet of the property received the notice.

Hank Kelly: Okay, I mean that's a fairly large house already on a pretty small lot and I guess my question is that people in the back of the property if they haven't said anything it's something I certainly don't see. I don't have any particular objection, it's just the size of the house as it is right now and can that be built once the footprint has changed. Could a story be added on top of this addition?

Mondana Rezania: If I may add here that we cannot add a second floor because it will block in a bedroom window and bedrooms need to have an egress window, so we cannot add the second floor.

Luigi Arena: I'm going to reiterate the point, I did speak to the neighbors on the back of the property specifically and the two adjacent neighbors, one on the North side and one in the back, the one you're referring to verbally told me they have no problem with it.

Chairman: Thank you Mr. Kelly, is there anybody else?

Mondana Rezania: I'd like to add a little bit more about the views. Once you stand in the rear yard, you can't see anything, any building on lot A and on the east side, its low and those properties are higher level so you can't see even the neighbor's house. The only house that I could see standing where the addition is going is the neighbor on the North side, the side yard, so if they want to come, and decide they can come and see the rear yard but that's the only place a neighbor can see the addition in the rear yard.

Chairman: Okay.

Christie Addona: Mr Kelly, I think you're sharing your screen.

Hank Kelly: Sorry.

Christie Addona: Chairman, if I could just make one comment. I understand what the applicant is saying about building in a little bit of extra half a foot in case there's some minor errors with the measurements but generally I don't like the idea of the Board granting a variance that's larger than what's necessary for the project, so perhaps a way to accommodate both sides would be if the board were inclined to grant the variance but to do so based upon the dimensions of the proposed addition, as shown on the plans. That way, if it's a little bit closer to the lot line, then is measured on the survey, at least the applicant isn't making the addition larger than what you're seeing here tonight.

Chairman: I fully agree and make note of that Sandy, after we close the public hearing. I'd like to have a motion to close a public hearing.

Tom Wills: I'll make a motion.

Chairman: Thank you, second?

David Krieger: Second.

A motion was made by Mr. Wills, seconded by Mr. Krieger and unanimously passed by the Board to close the Public Hearing on the application of Luigi Arena, 13 Mancuso Drive.

Chairman: Okay, I'd like to take a vote with regard to granting this variance under the criteria for the area variance and the terminology of what our Town Attorney has put in also, granting of this variance is per what they put in, nothing more, could be less because I really don't want to come back to this, so we should stick to what they put in front of us on the plan, so all in favor?

David O'Neil: Aye.

David Krieger: Aye.

Tom Wills: Aye.

Nicolas Enriquez: Aye.

Chairman: Okay, I'm in favor, so let the record show that it is unanimous that the variance is granted, and we wish you good luck.

A motion was made by Mr. O'Neil, seconded by Mr. Krieger and unanimously passed by the Board to approve the requested variance as discussed and as shown on the plans for the application of Luigi Arena, 13 Mancuso Drive.