

PUBLIC HEARING
TOWN OF OSSINING ZONING BOARD OF APPEALS
ENRIQUE MARTINEZ
2 MINKEL ROAD
SBL 81.17-1-17

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 application is for Enrique Martinez.

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:

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/j/83938154247>

****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 with deck to the existing residence which will result in a rear yard setback of 25' from the property line, where 34' are required. The property is owned by Enrique Martinez, located at 2 Minkel Road, within the unincorporated area of the Town of Ossining and is identified on the Tax Map of the Town of Ossining as Section 81.17, Block 1, Lot 17 in the R-20 One-Family Residence Zoning District.

Chairman: Plans and Application materials titled, "Martinez Residence, 2 Minkel Road, Ossining, New York" prepared by William Simeoforides, Architect, Two Somerstown Road, Ossining, NY, dated September 14, 2020, with latest revision date January 11, 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, Chairman
Dated: January 15, 2021

Chairman: I will read the criteria for a variance.

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: May I have someone give the presentation for this application?

William Simeoforides: Yes, good evening, my name is William Simeoforides. I'm the architect and I'll be presenting the project quickly. So this is a side one-story addition to a house to enlarge the existing very tight kitchen and dining room we're going to combine two rooms and create a dining room off to the side.

William Simeoforides: With a small deck for a small table for a couple of chairs. The variance is a real yard, as you mentioned. It is a nine foot variance but it's not any closer than the existing patio roof and fireplace that's there now and really the variance is for the deck not the structure itself and I'm going to share the screen right now and, hopefully, I know how to do it share screen. Okay, so this is a this line here represents the existing bearing wall that we're removing and the kitchen was really just here, and this was a dining room so.

Chairman: We don't see anything Bill and I thought you know how to do this.

William Simeoforides: I said I'm going to try. Let's do it again share screen. Oh okay share I didn't hit share. The existing kitchen is right here, and that is a bearing wall that we're going to remove and open up to this dining room so now the kitchen is going to encroach into the existing dining room. The beam is always, maybe I shouldn't get into the details, but this is going to be a coffered ceiling, because of the drop beam here, and we're going to add this room here, which is going to be the new formal dining room that's going to be open to the space here and off of that we would like to provide a small deck for a couple chairs to have coffee and the stairs are going to lead down and you turn left and you go under the existing patio that you'll see on the site plan over, on the other, drawings that were submitted. So again, what we're asking for is rear yard setback for the deck itself the House and the addition comply and, as I mentioned earlier, there is an existing roof patio and fireplace that encroaches further beyond what we're asking for.

Chairman: Thank you. I'm happy that I have two architects on my board. I viewed the site I didn't see a problem, personally, I also had spoken to our office and we haven't received any comments with regards to this so I'm hoping that when we open it up to the public that there are people out there, that will either say yes or no, or no comment, which is always good. Mr. Martinez, have you discussed this with any of your neighbors?

Enrique Martinez: No, but we sent all the letters to the neighbors.

Chairman: Okay. Members of the board, questions?

Nicolas Enriquez: Yes, so this is Manny. The setback right now is, the proposed one is 25, that's to the corner of the deck right and so, the deck in itself is about eight feet so basically the entire deck is really falls within the set back.

William Simeoforides: Right, if you set back the existing property line, the house here is about 34 feet, which is the minimum required, as is the addition of the corner addition here is also 34. So yes, the deck itself falls within the setback.

Nicolas Enriquez: And then you have to add stairs so the stair adds probably another three feet.

William Simeoforides: Three feet, depending on the grade and based on my survey, you're going to need at least five risers.

Nicolas Enriquez: So they'll be encroaching by at least twelve feet now from the property line with the stair.

William Simeoforides: With the stair.

Christie Addona: Does anyone else have a blank screen.

William Simeoforides: My screen, I'm not sharing.

David O'Neil: I'm seeing AutoCAD drawings

William Simeoforides: No, the background is black it's an AutoCAD file but can you see the actual plan?

Nicolas Enriquez: Yes, we can see.

Christie Addona: Maybe it's just me.

Chairman: Okay.

William Simeoforides: I'm going to show you the site plan, just so you will have a better understanding of it so here. Is the existing house, this would be the one story addition the larger cross hatch is the deck and this structure, here is a patio that's about 18 by 26 and about half of it is covered with the roof, and this corner, is the fireplace, pizza oven, bar.

Nicolas Enriquez: So this is an open patio right.

William Simeoforides: didn't open patio with half of the covered with a roof.

William Simeoforides: Just a rule for this, the walls are open all around, if you look at the picture, on the cover, actually I'll show that too so you can sort of get a glance see the roof here.

William Simeoforides: Yes, so the deck is going to come down here with the stairs and then you but you'll be able to turn it left into the patio itself. Because there's no real other way to get to the patio from this House it's a colonial but it's an odd layout because. That this stair goes up and this actually this one goes up this one goes down five steps, and then the door out to the back so from the kitchen to serve this area you got to go out here down the hallway and through. So we figured if you have a little deck here, you could easily serve the bar from here and it provides a nice little area for the couple to sit in the morning before the grandkids come.

Chairman: Okay, David.

Nicolas Enriquez: The stair, have you explored moving to stair maybe to the West side of the deck?

William Simeoforides: To the West side will be, well this is technically called the north side here, I guess, right now, we did discuss bringing it here. I didn't like the layout there I prefer it here, and then, because this is the opening onto the patio right here, and this is like a low bench, it just, for me, I think it makes more sense to come down and turn.

Nicolas Enriquez: No, absolutely, I agree.

William Simeoforides: And again, I thought, even though it's you know nine foot with the deck variants requested here, because the structure is 14 feet right now, plus or minus and we're not going beyond that. I thought it was shouldn't be too much of an issue also considering no neighbor really, well I shouldn't say that because they may be on the line now, but no one has complained as of yet, and they had notices sent to them, plus the signage was up.

Nicolas Enriquez: Do you know how long that patio has been there?

William Simeoforides: It's 26 feet by 18 feet, no.

Nicolas Enriquez: Do you do you know when it was built?

William Simeoforides: Enrique could answer that.

Enrique Martinez: That was built, let me see, I know we will the House in 1999, I will build a barrier, three years after probably 17, 18 years old. I have a CO for that, I applied for a permit and got a CO.

Nicolas Enriquez: Sal, you were involved with the variance for this?

Chairman: This, well I've been on the board for 35 years I don't think, well, I forgot what happened yesterday, but if you got a CO because we always try to do everything within the rules and regulations. I'm sure John would have said something with regards to not having a CO, but what was done so, I have to believe that it was all approved and done the correct way. John?

John Hamilton: Yes, if this was a ground level patio you wouldn't need a building permit so.

Enrique Martinez: I know but I needed to because it was existing when I bought a house and I built a roof over and they told me, you know if this is not attached the House, but is very, very close, so then I go and they gave me a permit because it was an existing patio and we built the roof over it and also there was lighting also in the roof, so that way we need a CO and I applied for a permit.

Chairman: So you have a CO on it?

Enrique Martinez: Yes, sir.

Chairman: All right, so that takes care of that. David, David O?

David O'Neil: No other real comments or questions. It's pretty self-explanatory.

Chairman: Thank you, David.

David Krieger: Yes, all right with me.

Chairman: Okay, Tom?

Tom Wills: Yes, I think we're, it's okay for me, yes.

Chairman: All right, and members of the public any call-ins?

William Simeoforides: Time is up.

Chairman: Okay, may I have a motion to close the public hearing?

Tom Wills: I'll make a motion to close the public hearing.

David O'Neil: Second.

A motion was made by Tom Wills, seconded by David O'Neil and unanimously passed by the Board to close the public hearing on the application of Enrique Martinez, 2 Minkel Road.

Chairman: Let the record show that we closed the public hearing.

Chairman: Let's make this easier, anybody against granting this variance, on our board?

Chairman: All in favor?

David O'Neil: Aye.

David Krieger: Aye.

Tom Wills: Aye.

Nicolas Enriquez: Aye.

A motion was made by David O'Neil, seconded by David Krieger and unanimously passed by the Board to approve the requested variance on the application of Enrique Martinez, 2 Minkel Road as presented.

Chairman: Let the record show that, pursuant to the criteria for the area variance of the Town of Ossining, unanimous approval to move forward with granting of the variance. And I thank everybody for your time and look forward to seeing you all again and welcome to the new board members.

Nicolas Enriquez: Okay, thank you.

Chairman: Have a good night.

Tom Wills: Thank you.