

PUBLIC HEARING  
TOWN OF OSSINING ZONING BOARD OF APPEALS  
MR. & MRS. MARK SEIDEN  
49 CROTON DAM ROAD  
SBL 89.08-1-79

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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

**Sal Carrera, 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.

**Chairman:** Thank you very much.

**Christie Addona:** John Hamilton is trying to connect.

**Chairman:** John Hamilton?

**John Hamilton:** Present, we're ready, let the games begin.

**Chairman:** Okay, we have three hearings this evening. I will read the public notice and then request the applicant or the representative to give a brief explanation of the relief sought.

Anyone that has a comment should basically raise your hand and say their name and address for the record. After the comments and the public hearing is closed, we will try to render a decision this evening, in most cases. The first case we have this evening will be Mark and Amy Seiden, 49 Croton Dam Road.

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 addition to the existing garage and connect it to the residence which will result in a side yard setback of 12' 3" from the property line, where 14' are required. The property is owned by Mark and Amy Seiden and is located at 49 Croton Dam Road, 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 79 in the R-15 One-Family Residence Zoning District.

Plans and Application materials titled, "Proposed Residence for Mark Seiden" prepared by Gemmola & Associates, Architects/Planners, 317 Elwood Avenue, Hawthorne, NY, dated December 3, 2020, with latest revision date December 22, 2020, 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](mailto: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

**Mark Seiden:** Yes, I'm not used to sharing my screen so I'm sorry, I'm looking to the right. It's just that I have two screens and what I'm looking at is to the right, so this is a blow up of the survey.

This is the property. We have a lot of frontage, this is the side yard that I'm looking to get a variance on. I'm just kind of blowing this up on the screen. This is our house is right here, the current house right here. This is the current garage and I'm going to get it a little bigger just to make it easier for everyone to see. This is our current house and we have had a detached garage for the almost 30 years that we have lived here. This is current and existing. The back rear corner is 12.9 feet from our yard, so this has been like this since even before I purchased the place. We are looking to take this two-car garage make it into a four-car garage and actually put a second floor on it and also push it back in order to increase storage.

**Mark Seiden:** I live in a 1920's house and while it is as large as it is, it's pretty much lacking for storage. We're looking to make a two-car garage into a four-car garage and a second floor, plus push it back to add storage and we push it back to 12 point, 12 feet to me, not 12.9 feet 12 feet nine inches and that would bring it back to 12 feet three inches so we're looking to go from 12.9 down to 12.3. I did bring a full set of plans and a request to the two neighbors. There are two neighbors here because Picucci made a flag lot and actually has another lot back here, so I brought the plans and everything to the two neighbors here and they signed off on a letter saying "go with God, do whatever you want to do". I've been to the planning board twice. They're just waiting to make their final decision till after the zoning board has done their thing. Any questions?

**Christie Addona:** Just one point of clarification on what Mr. Seiden just said. He's before the planning board for architectural review not actually any sort of site plan.

**Chairman:** Number one, is that I've been to his home on a number of occasions. I understand what he's asking for but I am open to any of the board members asking questions, especially any new board members with regards to what we're talking about here and basically so we all understand each other, there is criteria for an area variance that has been sent out to all the board members, and when we make a decision is based on the following criteria:

*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.*

**Tom Wills:** This is Tom Wills, I have no questions. I think it's very clear and very minor change, I see it as following within our criteria for a variance. As I see it, it actually cleans up the line a little bit and to change that older structure to get back into the guidelines, I think, is exorbitant.

**Chairman:** Thank you Tom, I agree anybody else?

**Nicolas Enriquez:** This is Manny Enriquez. We commend Mr. Seiden for soliciting the letters from his neighbors and the fact that they have no objections to this. This makes it even a lot easier to grant the variance, in my opinion.

**Chairman:** Thank you Manny. David?

**David O'Neil:** No, I don't have anything else to add, either in terms of comments or more questions.

**Chairman:** David Krieger?

**David Krieger:** Everything is straightforward the variance is minor, no problem at all.

**Chairman:** Okay, any comments from the general public?

*(There were no comments)*

**Chairman:** Okay, I'd like to make a motion for the public hearing to be closed.

**David O'Neil:** Second.

**David Krieger:** Second.

**Chairman:** Thank you.

**David O'Neil made a motion, seconded by David Krieger and unanimously passed by the Board to close the public hearing for Mark and Amy Seiden, 49 Croton Dam Road, Side Yard Variance.**

**Chairman:** I'd like to take a vote with regards to the granting of this area variance. I vote in favor of it, anybody else that would like to agree?

**Nicolas Enriquez:** Yes, this is Manny, yea for me.

**Tom Wills:** Yes.

**David O'Neil:** Yes, as well.

**David Krieger:** Yes, as well.

**Chairman:** Okay, let the record show that the criteria for the area variance that was discussed previously and we have a unanimous vote that none of this is granted and we give Mr. Seiden and his wife permission to move forward with the building department and the planning department and whomever else you have to get an okay from.

**Mark Seiden:** Thank you so much, I appreciate your time everybody, thank you.

**Chairman:** Thank you.