TOWN OF OSSINING
BUILDING, & PLANNING DEPARTMENT
101 ROUTE 9A, P.O. BOX 1166
OSSINING, N. Y. 10562
PHONE: (914) 762-8419 FAX: (914) 944-0195
www.townofossining.com

APPLICATION TO THE ZONING BOARD OF APPEALS

Date MAY 31, 2016

I, (We) MS. GLADYS VILLA (Name of Applicant) of 8 GLENDALE ROAD (Street)

OSSINING (Municipality) N.Y. (State) 10562 (Zip Code) 914-382-6855 (Phone No.) :HEREBY

(✓) APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR AND IN CONNECTION THEREWITH REQUEST

( ) an Interpretation of the Zoning Code or Zoning Map of the Town of Ossining,

(✓) a Variance from the terms of the Zoning Code of the Town of Ossining, or

( ) a Temporary Certificate of Occupancy.

( ) APPLY TO THE ZONING BOARD OF APPEALS FOR A SPECIAL PERMIT.

1. **LOCATION OF POPERTY** 8 GLENDALE ROAD (Street and Number)

SECTION 80.11 PLATE - BLOCK 1 LOT 4 ZONE R-30

A) Is the Property located within a distance of 500 feet of the boundary of any village, town or county, or any boundary of a State park or parkway? If yes, specify. PROPERTY FALLS WITHIN JURISDICTION OF BOTH TOWN OF OSSINING & TOWN OF NEW CASTLE. Yes ✓ No____

B) Does the Property abut the boundary of any village or town, the boundary of any State or County park or other recreation area, the right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines, or the boundary of any county or State owned land on which a public building or institution is located? If yes, specify. PROPERTY FALLS WITHIN JURISDICTION OF BOTH TOWN OF OSSINING & TOWN OF NEW CASTLE. Yes ✓ No____

C) If a Special Permit is being applied for, is the property shown on the Hudson River Valley Commission Jurisdiction Map?

Yes____ No ✓

2. **PROVISION (S) OF THE ZONING CODE INVOLVED**

Section 200-25 subsection 1 paragraph A & B

Section_____ subsection_____ paragraph_____

Section_____ subsection_____ paragraph_____

3. **DESCRIPTION OF RELIEF REQUESTED** (Set forth the circumstances of the case, interpretation that is claimed and details of any variance applied for. Use extra sheet if necessary.)

MINOR SUB-DIVISION TO EXISTING LOT, WHICH LIES WITHIN THE JURISDICTION OF THE TOWNS OF OSSINING AND NEW CASTLE.

4. **REASON FOR APPEAL** (State precisely grounds on which it is claimed that relief should be granted. Use extra sheet if necessary.)

5. Enclose 10 copies of an accurate and intelligible plan of the Property drawn to a suitable scale and a nonrefundable fee of **$150.00**

_____
(Signature of Property Owner or Authorized Agent)

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Name of Action or Project:
VILLA RESIDENCE.

Project Location (describe, and attach a location map):
8 GLENDALE ROAD OSSINING, N.Y. (SEE ATTACHED MAP.)

Brief Description of Proposed Action:
MINOR SUB-DIVISION TO EXISTING LOT.

Name of Applicant or Sponsor:	Telephone: 914.944.3377
JERE B. HERNANDEZ, R.A./ARCHT, L.L.C.	E-Mail: JBHEARCHT.COM

Address:
100 EXECUTIVE BOULEVARD, SUITE 204

City/PO:	State:	Zip Code:
OSSINING	N.Y.	10562

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: TOWN OF NEW CASTLE N.Y.	☐	☑

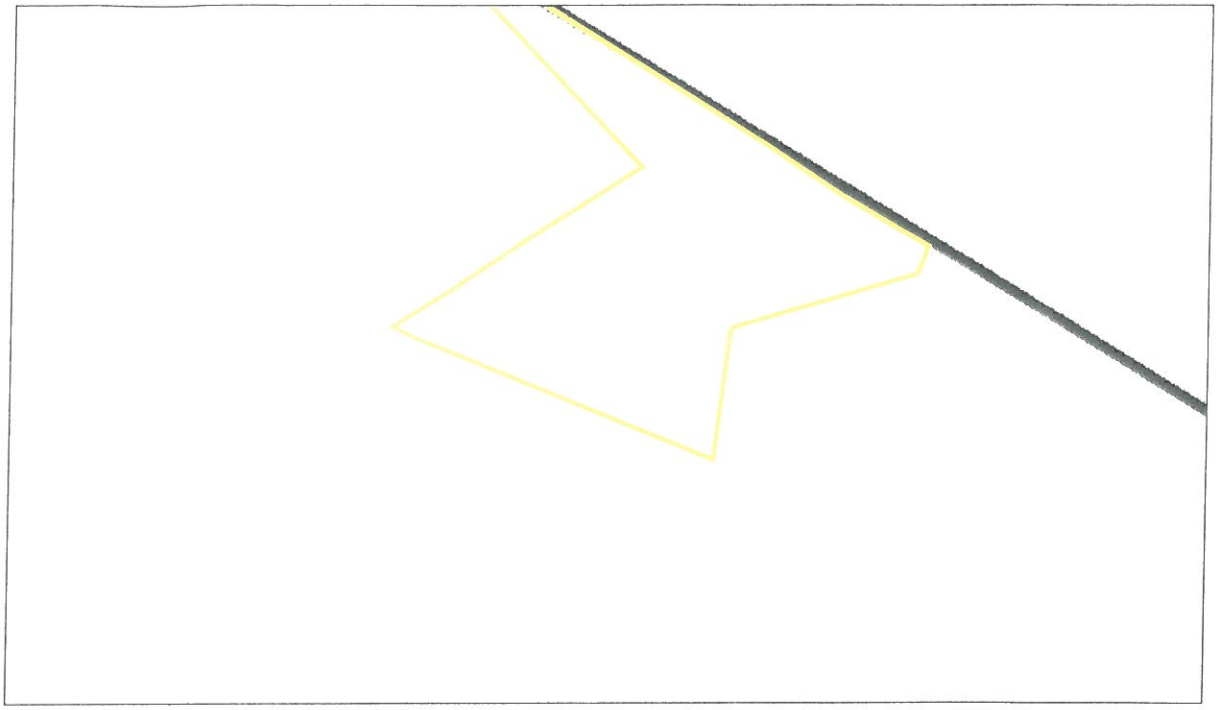
3.a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

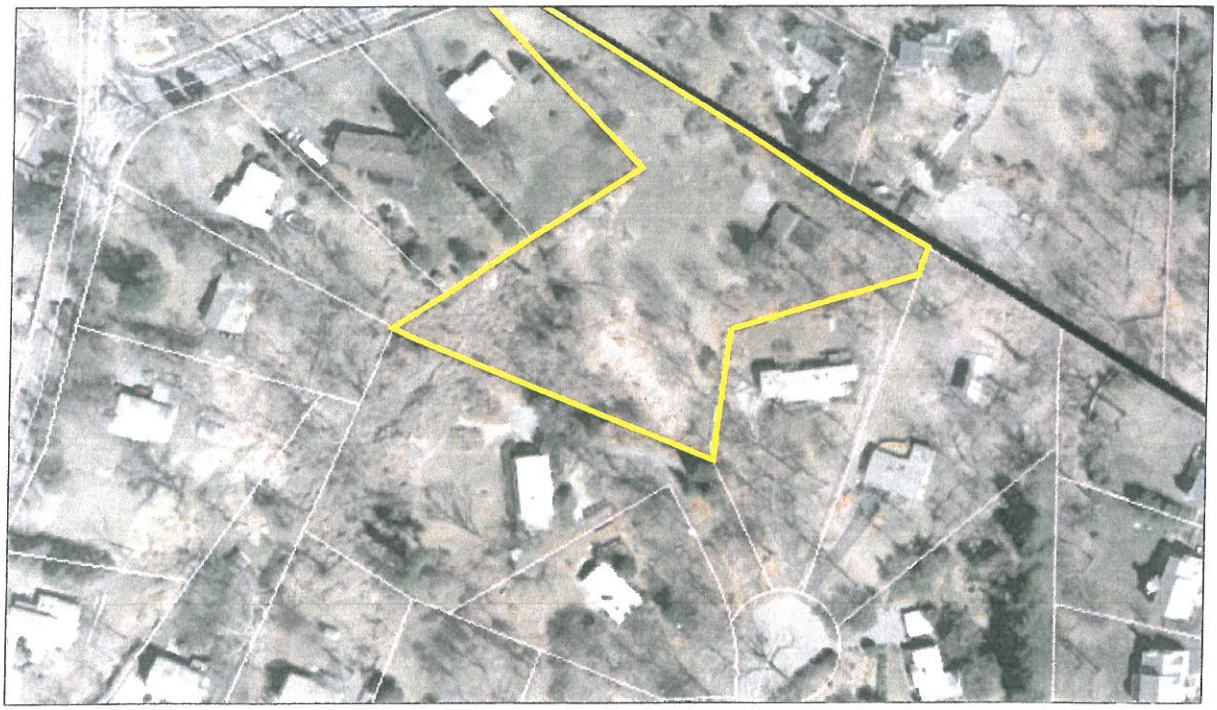
4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

Tax Parcel Maps

Address: 8 Glendale Rd

Print Key: 80.11-1-4 **SBL:** 08001100010040000000





Disclaimer:

This tax parcel map is provided as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☑	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☑	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☑	☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	☐	☑	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☐	☑	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	☐	☑	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☑	☐	
b. Is the proposed action located in an archeological sensitive area?	☑	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☑	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☑	☐	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☐ Urban ☑ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☑	☐
16. Is the project site located in the 100 year flood plain?	☑	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	☑	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES _____		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	☑	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: JORGE B. HERNANDEZ, R.A. Date: May 31, 2016.

Signature:

PRINT FORM

ARQ. HT LLC
ARCHITECTURE - PLANNING
Design & Construction Consultants

June 6, 2016

Town of Ossining Zoning Board of Appeals
Chairman Sal Carrera
Town Of Ossining
101 Route 9A PO Box 1166
Ossining, New York 10562

Re: 8 Glendale Road-#80.11-1-4 Town of Ossining

Dear Mr. Carrera and Zoning Boards members,

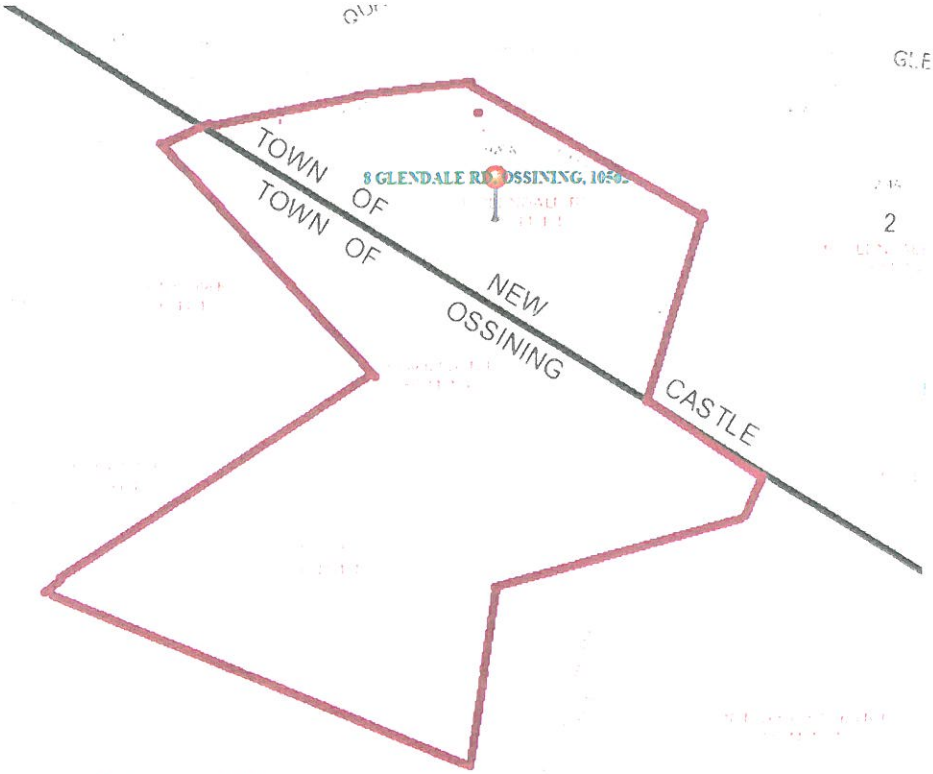
Our firm has been retained by the owners of 8 Glendale Road to represent and assist them in creating a minor two lot subdivision at the aforementioned address. During our design process a deficiency in lot frontage has become apparent. As such, we are in front of your board seeking relief from a deficiency in road frontage requirement as per #200-25.1 (A) & (B)of the Town of Ossining Code.

The property consists of a 3.082 acres parcel which has joint-jurisdiction, Town of Ossining and Town of New Castle. The property is composed of a 2.12 acres vacant lot (#80.11-1-4) in the Town of Ossining and a .962 acres parcel (#79.14-1-1) in the Town of New Castle with a one family dwelling and a detached garage. The property is divided in two different zoning districts as well; R-2A Zoning District in the Town of New Castle side and R-30 Zoning District in the Town of Ossining.

We have created two lots which are congruent with zoning requirements as per Town of New Castle; and in accordance with Town of New Castle Town Code (#130-30(H) which states that the Lots shall be designed so that it can be readily developed in accordance with the standards of the more restrictive zoning district. Also, please note that the proposed 2nd Lot, is within the Town of Ossinings' jurisdiction in its' entirety, and complies with all Town of Ossining zoning requirements with the aforementioned exception of frontage.

100 Executive Boulevard, Suite 204, Ossining, New York 10562
Tel: (914) 944-3377 – Fax: (866) 567-6240
E-Mail: info@arqht.com

ARQ. HT LLC



We have delineated the two lots by identifying (based on available as-builts) the location of surrounding property wells and S.S.D.S., and by plotting the separation required by the Westchester County Health Department regulations.

We are locating the proposed S.S.D.S. and its' 100% expansion area for the new Lot, in an area where prior percolation tests have been performed.

Two lots (as follows) have been created:

Lot #A (Town of New Castle) – 90,065 Sq. Ft. (2.08 Acres)
Lot #B (Town of Ossining) - 43,564 Sq. Ft. (1.01 Acres)

We are seeking to obtain a variance for a 22' reduction in frontage (or 44% reduction) from the Town of Ossining (200.25.1(A) Frontage, and 200.25.1 (B) 50' strip of land required.

We ask that the Board of Appeals please understand and take into consideration that:

- There will be NO undesirable change to the character of the neighborhood, nor will there be any

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detriment to nearby properties by the granting of this area variance. To the contrary, the residential character will be maintained and the existing structures will be enhanced.

- There are no other viable alternatives for the Client to pursue. Any further increase in Lot Frontage will create a non-conformity in the Town of New Castle.

- The area variance being sought is NOT substantial. We have provided two (2) other variances granted by the your board that are similar to the project before you currently (Please see attached "Exhibit 1" – Schneider Property, 74 Hawkes Ave., S/B/L: 80.08-1-45, & "Exhibit 2" – Viggiano Property, 124 Cedar Lane, S/B/L: 80.19-2-76.).

- There will be NO adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

In closing, we wish to express our appreciation for the Boards time and consideration, and wish to extend our thanks in advance for your favorable resolution to this matter. Should you have any further comments or questions, please feel free to contact our office at your earliest convenience.

Sincerely

Jorge B. Hernandez, R.A., A.IA.
Managing Partner

Cc: File

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ARQ. HT LLC
ARCHITECTURE - PLANNING
Design & Construction Consultants

EXHIBIT 1

SCHNEIDER PROPERTY
74 HAWKES AVENUE
S/B/L: 80.08-1-45

100 Executive Boulevard, Suite 204, Ossining, New York 10562
Tel: (914) 944-3377 – Fax: (866) 567-6240
E-Mail: info@arqht.com

TOWN OF OSSINING

ZONING BOARD OF APPEALS

Joanne Schneider
74 Hawkes Avenue
Section 80.08, Block 1, Lot 45

Proceedings
Ossining Operations Center
101 Route 9A
Ossining, NY 10562

July 12, 2010

8:00 p.m.

PRESENT:	HON. SALVATORE CARRERA	- Chairman
	HON. EDWARD MILLER	- Member
	HON. JAMES BLAIR	- Member
	HON. INGRID RICHARDS	- Member
	HON. CHING WAH CHIN	- Member

ALSO PRESENT:	WAYNE SPECTOR	- Town Attorney
	JOHN HAMILTON	- Building Inspector
	SANDRA ANELLI	- Stenographer

CHAIRMAN: I will read the public notice. Notice is hereby given that a Public Hearing of the Town of Ossining Zoning Board of Appeals will be held on Monday, July 12, 2010, at 8:00 p.m. in the Ossining Operations Center, 101 Route 9A, Ossining, New York, on the application of Gregory J. McWilliams, A.I.A., 3 Shady Lane Farm Road, Ossining, New York, for a variance from the terms of the Zoning Code of the Town of Ossining, Section 200-25.1, Paragraph B, Street Frontage.

The applicant is seeking variance of 40' for a proposed lot which would require a 50' wide strip of land connecting the main portion of a lot with the street. A two-lot subdivision is proposed, a 10' wide strip of land is provided. The property in question is located at 74 Hawkes Avenue, Ossining, New York and is identified on the Tax Map of the Town of Ossining as Section 80.08, Block 1, Lot 45 in the R15 Zoning District. All interested persons are invited to attend the Public Hearing and be heard on this matter. By order of the Zoning Board of Appeals, Salvatore Carrera, Chairman, Dated, July 5, 2010.

MR. MCWILLIAMS: My name is Greg McWilliams, a local Architect, and I am representing Joanne Schneider, she is the owner of said property. I am just passing this out, this is the tax map that shows the lot obviously it is orange relative to the others. As per the public notice, Joanne would like to subdivide her property into two lots the overall property is one acre, slightly less than one acre. It is R15 Zone and the lot is just under 400 feet in depth and 122 in width over here. In order to subdivide the lot at this point, presently Joanne and her elderly mother live at the residence at the rear. This is an area where the septic system was, they now have town sewers. Joanne would like to construct a smaller home in the front on the flat piece of property that is going to be more manageable for her and her mother. There is this incline going up and there are a number of steps to get up to the house.

MR. BLAIR: Excuse me Greg, you said the new residence is going to be constructed at the rear of the property or the front.

MR. MCWILLIAMS: The front of the property. This is going to be the new residence. This is the existing residence. Presently there is a very deep lot with a house at the rear of the property. In terms of zoning, and obviously the reason we are here, there is a minimum frontage requirement of 50 feet and we have that. Back in the mid 90's they added to that in that description in terms of the connecting piece property between frontage and across the lot, that had to be 50 feet as well. So to do that and to be able to get access back there, we would need a variance for this piece of the flag.

The present time I have it as ten feet because the driveway is eight feet right now. With that said that would be the only variance for this subdivision. I could very well say okay let's make this thirty feet so therefore the percentage of the variance is not the same as the forty and ask for a second variance for lot width. This has adequate lot width, at the point of the front yard setback and all the way back so this has the ninety feet that is required and this has the ten foot strip going back. Like I said, I could have asked for two variances where this may have been seventy-five feet and that's twenty-five but the ten feet is enough for getting back there. On that tax map that you have, the Olmstead property which is on the upper part of that sheet, there are three legal lots and there is a flag lot there and it is going to be developed it is eight feet wide. That doesn't make this right, but I am saying in terms of the character of the neighborhood and what is there already and pretty soon you are going to see three houses there on that lot with the driveway in the middle. So this is really not out of character with that or the surrounding neighborhoods. Country Meadows is behind, if you look at the size of the lots, Jim Zappi is up the street, and in fact where the Gordons are on one side their house is relatively close and is legal within the setbacks and the Olmstead house exists, it's the same thing. So you would have three houses with the same setbacks, the same character, we pretty much establishing that on the street in that area. This is serviced by sewer and water. The cemetery is across the street, so there is no impact there. There is one property and then there is Zappi's development there. That is pretty much what the proposal is. Does the Board have any specific questions?

CHAIRMAN: So, the intent is to sell the main house build a small residence with this variance. If this Board had any question, which I think you already answered, to change the configuration, so that you wouldn't be asking for a forty foot variance, you could, but then you would be coming in for a second variance.

MR. MCWILLIAMS: Yes, a second variance.

CHAIRMAN: Board members?

MR. MILLER: I have a question. Has this gone before the Planning Board?

MR. MCWILLIAMS: I met unofficially with Jim Vanoli, David Stolman, and George Weeks and they really didn't have any comment. They said go to the Zoning Board.

MR. MILLER: Well, the reason I asked is that as long as I have been sitting on this Board, any time folks come in wanting to subdivide it gets a blessing from the Planning Board. I have not seen anything like that. I would personally feel more comfortable if the Planning Board can give us an

official blessing on this before it comes to us. I assumed that was the normal progression for subdividing.

MR. MCWILLIAMS: Well, I did meet with them informally, in fact I have two other projects that will not necessarily need to come in front of this Board. Sometimes they will issue a memo, in fact the Picciano subdivision was in last year and I met with them informally and it they didn't issue anything, they are aware of it and they don't say one way or the other. I guess they feel that if it is not granted, I am not going to back before them, if it is granted they are going to have their laundry list of things to deal with at that time.

CHAIRMAN: What I would like to do for the record is ask the Town Attorney is it a legal aspect of this that it is not necessary to go and get any type of letter from the Planning Board to go and say this.

MR. SPECTOR: The Planning Board does not make recommendations to promote or let its feelings be known regarding a specific application that is referred to the Zoning Board. As a matter of fact, it is not the policy if an application requires a variance that would come first, before it has received full review by Planning.

MR. MILLER: I have a little bit of discomfort with that Counselor, in that the Planning Board has all kinds of experts at their fingertips where we do not have that. I am not professional enough to know about engineering or architecture or the other things that the Planning Board has access to. I have always felt, for a little reassurance, if you will, that I spoke with George and he said he hadn't seen any plans for this project.

MR. MCWILLIAMS: They did, I can substantiate that meeting. They meet on the Monday before the Planning Board meetings and anybody who has something new, that might need review, or some sort of interpretation they can make an appointment with them. I can provide the date if you need verify it.

MR. SPECTOR: A subdivision still has to be approved by the Planning Board, whether it needs a variance or not. It is here for a very singular purpose which is to determine or not whether he can go to the next step for Planning Board which is through a zoning variance. At this point in time, it is very specific in terms of one aspect of the zoning code. Whether or not the applicant needs to meet that particular requirement, every other aspect that is required, including engineering, is all the Planning Board's stages.

MRS. RICHARDS: I would like to ask a question about this strip. Is there a safety issue because of this strip with a fire truck getting to the second home when there is a flag lot.

MR. HAMILTON: One and two-family homes are exempted from the setbacks of the fire department standpoint. We have no control over it.

MR. MCWILLIAMS: That is something that is on this plan though, even though there are taps down here for, presently there is a sewer line, but not knowing exactly where the taps will be for the water line, I would probably have a twenty foot easement through here for utility hookups, maintenance and everything else. I actually show on the drawing that the driveway is shoved over a little bit so that driveway will be inside of an easement and it can be wider that eight feet, maybe ten feet. That goes towards somewhat what you are saying.

MS. SABOTINI: My name is Elena Sabotini, 78 Hawkes Avenue, which is the indent there. I would respectfully submit that we would be significantly impacted by a building on that lot. As it is, Joanne's existing house overlooks our house. It is actually quite close to us. One of the reasons that we purchased there when we did, rather than in the Village, is that we are not interested in living cheek by jowl with our neighbors. The construction is, half of Hawkes Crossing, I believe the original plan of that place was twelve to thirteen units and I believe six of them are constructed. Over the last year I have found that the increased traffic from those six units makes it very.... I can sometimes sit through six rotations of the light at the end of Hawkes, trying to get on that little bit of Croton Dam Road to get onto 9A. That has been a significant change in the last year since Hawkes Crossing was built. This unit will add at least two more cars to that road. I understand that a little bit down the road there has been an additional subdivision already in process which will potentially add three more units to the traffic load. If this authorized the next step will be 80 Hawkes which is on the other side of our property which is going to request exactly the same thing set up which will add another two to three cars to the traffic load. Hawkes Avenue is already over burdened along that strip I will not back out of my driveway. It's too dangerous. People drive on that road very, very fast. The traffic is a major issue. The other thing I have an issue with is the configuration of this fifty foot frontage is a mockery of the zoning law. The zoning laws were written for a purpose and I would urge the Board to think very carefully about setting aside that purpose and granting a variance that is in total contravention to the intent of the zoning law. Thank you.

MR. GORDON: My name is Keith Gordon also 78 Hawkes Avenue. We're married, just different last names. I would echo everything my wife said in terms and point out that there are no sidewalks on Hawkes Avenue and those days when I feel like walking, I walk to the train in Ossining, and it is just trying to dodge cars, stay out of the ditch going down. Once you reach the Village there are sidewalks and driveways that cross and it is very hard to dodge. I think it is very clear, as she

just stated, the property on the other side of us is a rental property with a house in the back. If this is granted it will be only months before Tedesco does the same. After receiving the notice, I took a look at our Town Zoning Ordinance and it seems from the application the only variance here, his only non-compliance that is being requested is instead of having a fifty foot frontage all the way across, this is what is proposed, is the ten foot frontage with this triangular craziness no use to the back lot it is going to be attached to. As I read the ordinance there is a number of violations in addition. If this were done, according to the code, obviously with a fifty foot strip, there would be no room left. It would not meet the area of the setbacks on the side. But, there is also provisions in the code that says 176-18 B. All side lines of lots shall be at right angles to straight street lines. I don't know what degree that is, but that is certainly not ninety degrees. I assume that these are put in your code for a reason. I assume that having frontage has a reason and purpose in my mind the reason for frontage is to not have driveways right next to each other all the way up and down the road with traffic and people trying to maneuver. This isn't frontage, this is a legal fiction. If the purpose of having a frontage requirement has any intent and purpose, this would frustrate that completely. I also notice 176-18 A. that it says lots shall not be of such depth as to encourage the later creation of a second building lot at the front or rear, which is exactly what is being requested here. Why do we have all these provisions that were clearly written to preserve the nature of the property the way it was and then ignore them. I hope you won't. Finally, section 176-21 describing the standards for modification which says that the Board can waive strict compliance if it would cause undue hardship. There has been no presentation on behalf of the applicant of any hardship. She has a house, it is there, it is already built. The only hardship is one she is creating herself by seeking to sell half of her land. The hardship I would argue is on the properties on either side. Who are now going to have loss of privacy, loss of visual space, increase of traffic, and lack of convenience as we already described.

CHAIRMAN: Thank you.

So, how long have you owned the house?

MRS. SCHNEIDER: Thirty- three years.

CHAIRMAN: So when you bought this thirty-three years ago you basically knew it was for a house and a septic system.

MRS. SCHNEIDER: Well I knew that, but I also knew that I had 100 feet road frontage and fifty feet was required for a lot. When Mr. Neilson was here I had discussed all of this with him. I have been waiting thirty-two years for the sewer.

CHAIRMAN: We are very fortunate to have sewers, so that basically comes into play with our zoning rules and regulations, if there were still septic systems, you wouldn't be here today because you wouldn't be able to go build something there. Comments or questions from my Board or audience?

MR. BLAIR: Could you reiterate the reason for the cut out.

MR. MCWILLIAMS: It is for the fifty foot frontage. The ordinance basically says that the width of the minimum front yard setback was average which kind of helps it. This could have been squared off or put the garbage can there or whatever. I wanted to achieve the frontage and I cut back, but it doesn't have to be that angle. It could come back at a right angle and cut over. I think the meaning in the ordinance generally deals and describes the major lot lines, side lines. I don't consider that as a major lot line. Again, you could just square that off. I just want to touch base with a couple of comments the gentleman made, number one; we are not creating an extremely long lot, the lot exists, it's not a new subdivision. The ordinance talks about this. This is there the length is what it is. Secondly; if Joanne was to tear down this house she could put a house right here. If you look at the tax map you can see, the houses on the right and the left. She could put a house in the same location it would be totally legal and not withstanding that for all intensive purposes this is not really viewed from the street. So it's a house a house a house. What is perceived is not that different.

MR. BLAIR: I don't follow that.

CHAIRMAN: I would have a question with regards to if the original house was knocked down, and you wanted to put that house exactly where it is right now, the second one. Is it that you would not need to have a forty foot variance.

MR. MCWILLIAMS: We wouldn't need anything, obviously it is a 100 foot wide lot. The comments about privacy hinges on this lot and that lot, which by the way there is going to be a house right here very shortly. This is not forever parkland that people don't have rights to. I am saying that Joanne always has the right to construct a new residence here, if she didn't get the subdivision and so the argument about being closest to this lot and that lot and everything else. That doesn't have any bearing on how the space is utilized.

CHAIRMAN: I understand and you answered that in the very beginning with regards to cutting it down to less than forty feet but then you would be coming in for a variance on something else.

MR. MCWILLIAMS: This could be a seventy-five foot wide lot and a twenty-five foot flag or whatever you want to call it, or more.

CHAIRMAN: So you still have come in front of us?

MR. MCWILLIAMS: Yes. Plus this area has changed over the last few years. What used to be in terms of larger pieces of property there is not very many lots left. A number of people have been in through the various years to subdivide or make changes to the property. This is one of the last properties.

CHAIRMAN: This Board, whether or not the economy changes or not, the properties are disappearing throughout Westchester County and in the Town of Ossining, as we have our current rules and regulations. Until they updated, changed, or compromised, we can only go by what is in front of us and move forward and make decisions.

Yes sir?

MR. PICCIANO: James Picciano, 78 Hawkes Avenue. Basically I've been in the Town of Ossining for about thirty three years. I have seen all kinds of changes, Country Meadows, eleven acres, it was a horse farm. The Woods, Fox Hill, Spring Pond that was all great. So when we talk about density and we worry about traffic and talk about a house on Joanne's property, we have three sets of Condos, big subdivision over at Mancuso Drive, Roosa Lane. I think, me personally, one house over there and like Greg said one lot won't have such an impact. I mean Mancuso drive was a sheep farm. The biggest problem is that 9A corridor where Kitchawan Road comes from, a lot of people use it as a short cut to the train station. Since they took away the right on red, on 9A, because of accidents that occurred I think that is the back up. At this point the six extra houses that are occupied right now by Mr. Zappi, I commuted through there, way before the Zappi houses, before Roosa Lane, so I don't see one house as a problem. I just don't. What is the square footage of each lot?

MR. MCWILLIAMS: The front lot is over 17,000 and the rear lot is over 26,000.

MR. PICCIANO: Okay, what I like seeing is what you are proposing. It is R15 over there, that is still keeping with R15 lots. That's open space. Visually nice. If you're within that 15,000 you can still maintain where as Country Meadows wasn't, Mancuso Drive certainly wasn't. So when I hear that 15,000 is what is adhered to, to me I am happy. I just want to say I am in support of what they want to do. Thank you.

CHAIRMAN: With regards to the application and I understand about the R15. We're looking at a forty foot area variance here. You really have to pay attention and that is the issue. It's not the 17,000 or 26,000 for building a house because it abides by everything else, but that is not why we are here. This is not five feet off of a main road. This is an issue this Board will take into consideration.

MR. BLAIR: Is there any arrangement of house on this property that not requiring this variance or other variances.

MR. MCWILLIAMS: It is not so much the house; it is the creation of the second lot. There is no way around the fact. It is 100 feet total, 100.22 feet and with the stipulation of the fifty foot flag going back that leaves a lot that is fifty foot wide and if you take the fourteen and sixteen foot setbacks, you could still physically get a house in there but that would require a variance of lot width so you would need a variance for that. To get this lot subdivided into two lots there is no way around a variance or variances.

MR. MILLER: This configuration, in your professional judgment, is the least disruptive to make it a two-lot property.

MR. MCWILLIAMS: Yes. As I said before, its ten feet, but I am proposing a twenty foot easement in there so you could get in there through the back and if this was approved obviously there would be language written in to the deed description in terms of the driveway and everything else. It may infringe a little bit on this person's property but it will have a twenty foot easement.

MR. GORDON: At present, between our house, going up and down the street, and the next nearest house, down the hill, there is twenty-five thirty feet, our property then there's one hundred feet, Joanne's property, another twenty-five thirty feet, the Olmstead house, on the other side of it is the same twenty-five to thirty feet, plus a hundred feet of Tedesco, and then the back yards of the Zappi property, so we have right now we have one-hundred- fifty feet on either side of us with no immediate homes. Once Tedesco gets the same thing, you grant this, we'll have four homes in a row. I am not a realtor but I think that will clearly reduce the property value of our home, which has already gone down substantially since we bought it four years ago.

MS. SCHNEIDER: I have been there for thirty-three years I have watched the surface of area change like Jim said, Mancuso Drive, if they wanted to be in the woods then they should have bought a larger piece of property. Everything has changed on Hawkes Avenue. They can't expect it to be like it was years ago when the houses sat high and the houses sat low. People should be able to build on their property. I am there thirty-three years. They are there for five years and they are complaining because they think they are the owners of the trees. I just think it's unfair.

MR. MILLER: I just have one more question. Greg, you have played with different scenarios with this property?

MR. MCWILLIAMS: Yes, in terms of width and the angle. We have gone over everything is in this area here. In terms of where the house is the shape of house, that is all secondary. It really has

to do with how much of a increase or decrease, make it a minimum, or should we go for two variances instead of the one. I think I highlighted that.

CHAIRMAN: I'll go around the Board again with regards to comments. Any questions from the audience. I have put this to the Board under 200.5 1 B whether or not we will approve this application for the forty foot variance that the applicant is asking for.

MRS. RICHARDS: I think that this is a very substantial variance at this time I will vote No.

MR. MILLER: I am not happy about it, but I think I am going to vote yes, based on the Architects opinion and I have to respect his judgment. It is the least disruptive to this area and probably will disappoint you when I say, either side of you is going to change drastically along Hawkes Avenue and I have lived in Ossining seventy-three years and I sheep farm when I was ten years old on Hawkes Avenue, so I know that road pretty well. It will never go back to that. I think you are going to see more homes. Olmstead is already in process for three. It will be a short time on the other side of you too. I think two things cause that; putting in the sewer system, number one, allowed smaller lot size, and also putting in the cluster homes out on the corner. So based on that I am going to vote in favor of it.

CHAIRMAN: I am against it because of the amount of variance required here and I understand fully with what my Board member said with regards if he comes in here for a number of other variances, but this is significant, forty feet. So I am voting against this application.

MR. BLAIR: I am going to vote in favor of it. The reason is that first of all I am not persuaded that this is going to be a significantly undesirable change to the neighborhood. Secondly, as to the significance of the variance itself, the requested variance itself, while the magnitude of the variance the fifty frontage requirement is substantial, viewed in its totality the variance as it relates to the entire property, I do not believe is that substantial. It is my feeling that in all other respects the proposed subdivision provides a plan which is significantly and in conformance with the ordinance and this is merely a way of accommodating the subdivision and it is a reasonable accommodation. I don't believe the benefit that is sought here can be achieved by any other means and therefore; I vote in favor.

MR. CHIN: We went ahead with this earlier, and as I indicated I live nearby, the impact of the variance might actually affect me. So I would like the opinion of the Town Attorney, whether I would have a conflict on this issue.

MR. SPECTOR: Well, I think, in terms of whether or not you have a conflict, or in terms of whether or not you have financial interest one way or another in the particular application. I don't

think the fact that you happen to live nearby, in and of itself creates an impact. I mean we all live in the Town so obviously we all can look at it the same way. Obviously, you don't have a direct business impact here one way or another and if it is not directly neighboring your property or if your property line is not directly connected to this, I don't think there is an imperative conflict of interest.

MR. CHIN: I just figured I would cover that rather than make an issue out of it later on.

MR. SPECTOR: Point well taken.

MR. CHIN: I would actually vote for the variance, reluctantly. I see it as a large variance. I see that there may be some alternatives although I may not in actuality be a better alternative than this variance. It would appear to me that the changes in the neighborhood have continued in a way that this would be one of the least impacts that we can result in as far as in keeping the character of the neighborhood. I remember when Roosa Lane went up and all of the sudden this whole wooded area disappeared. Certainly having a division of plots that exist here, it is unfortunate that the driveway would be so narrow but I think the end result of the two lots would be more in the Town's favor than otherwise. So I would vote in favor.

CHAIRMAN: Let the record show that the majority of the Board voted in favor of granting of this variance.

Time Noted: 9:20 p.m.

TOWN OF OSSINING
BUILDING & PLANNING DEPARTMENT
101 ROUTE 9A, P.O. BOX 1166
OSSINING, N. Y. 10562
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ZONING BOARD OF APPEALS

TOWN OF OSSINING X

In the matter of the Application of

Gregory J. McWilliams A.I.A. for Joanne Schneider **DECISION**

For a variance from the provisions

Of the Zoning Ordinance of the

Town of Ossining X

This is an application by Gregory J. McWilliams, A.I.A. representing Joanne Schneider for a variance from the provisions of the Code of the Town of Ossining, Section 200-25.1., Paragraph B. Street Frontage.

The applicant is representing the owner of a parcel of land located at 74 Hawkes Avenue, Ossining, New York, and designated on the tax maps of the Town of Ossining as Section 80.08 Block 1, Lot 45 in the R15 Zoning District.

The applicant is seeking variance of 40' for a proposed lot which requires a 50' wide strip of land connecting the main portion of the lot to the street. A two-lot subdivision is proposed, a 10' wide strip of land is provided.

Pursuant to the applicable provisions of law, and after due notice and publication, a public hearing was held on July 12, 2010. The members of this Board are presently familiar with the property and its location and have inspected and viewed the site. The Board has investigated this application and has given full consideration to the testimony presented at the hearing and hereby finds, determines, and resolves:

1. The property is located at 74 Hawkes Avenue, Town of Ossining, New York and is designated on the Tax Map of the Town of Ossining as Section 80.08, Block 1, Lot 45, in an R15 Zone.

2. In accordance with Section 200-45 of the Zoning Code of the Town of Ossining, the Board has considered whether an undesirable change would be produced in the character of the neighborhood, or detriment to nearby properties will be created by the granting of the variance; whether the requested variance is substantial; whether the proposed variance will have any adverse effect or impact on the physical or environmental conditions of the neighborhood or district, and whether the alleged difficulty was self created.

3. No governmental representative of the Town or the public has shown that strict enforcement of the ordinance is required for public health, safety or welfare, or that a variance would have a direct or substantial or adverse effect on the surrounding area.

4. In accordance with the foregoing applicant's request for a variance of 40' for a proposed lot which requires a 50' wide strip of land connecting the main portion of the lot to the street it is hereby granted provided that, as described by the applicant, and further provided that all necessary approvals be obtained from the Building and Planning Departments.

5. This decision shall constitute the decision of the Zoning Board of Appeals pursuant to Section 200-46, Subsection G of the Zoning Ordinance of the Town of Ossining.

DATED: July 12, 2010

Salvatore Carrera, Chairman
Edward Miller, Member
Ching Wah Chin, Member
James Blair, Member
Ingrid Richards

ARQ. HT LLC
ARCHITECTURE - PLANNING
Design & Construction Consultants

EXHIBIT 2

VIGGIANO PROPERTY
124 CEDAR LANE
S/B/L: 80.19-2-76

100 Executive Boulevard, Suite 204, Ossining, New York 10562
Tel: (914) 944-3377 – Fax: (866) 567-6240
E-Mail: info@arqht.com

PUBLIC HEARING

TOWN OF OSSINING

ZONING BOARD OF APPEALS

Georgene Viggiano
124 Cedar Lane
Section 80.19 Block 2, Lot 76

Proceedings
Ossining Operations Center
101 Route 9A
Ossining, NY 10562

May 21, 2007

8:00 p.m.

PRESENT:	HON. EDWARD MILLER	- Acting Chair
	HON. CHING WAH CHIN	- Member
	HON. JAMES BLAIR	- Member
	HON. MICHAEL TAWIL	- Member
ABSENT:	HON. SALVATORE CARRERA	- Chairman
ALSO PRESENT:	WAYNE SPECTOR	- Deputy Town Attorney
	JOHN HAMILTON	- Building Inspector
	SANDRA ANELLI	- Stenographer

MR. MILLER: Notice is hereby given that a Public Hearing of the Town of Ossining Zoning Board of Appeals will be held on Monday, May 21, 2007, at 8:00 p.m. in the Ossining Operations Center (Armory Building), 101 Route 9A, Ossining, New York, on the application of Ms. Georgene Viggiano, 124 Cedar Lane, Ossining, New York, for a variance from the terms of the Zoning Code of the Town of Ossining, Section 200-25.1, Paragraph B, Street Frontage.

The Applicant is seeking variance for a proposed lot which requires a 50' wide strip of land connecting the main portion of a lot with the street. A two-lot subdivision is proposed, one lot will be 35' at the narrowest point. The property in question is located at 124 Cedar Lane, Ossining, New York, and is identified on the Tax Map of the Town of Ossining as Section 80.19, Block 2, Lot 76, in the R20 Zoning District.

All interested persons are invited to attend the Public Hearing and be heard on this matter.
By order of the Zoning Board Appeals, Dated: May 14, 2007.

I would like to ask the applicant, or representative, to give us a brief description of what you are asking for and why you are asking.

MR. RIINA: My name is Joseph Riina, Professional Engineer and Principal of Site Design Consultants. I represent Mrs. Viggiano on this application before the Planning Board for a Subdivision. The property is located at 124 Cedar Lane, it is one zoning acre, it is in R20 Zone. The project is to subdivide out one lot out of the front of the property here. There is an existing residence on the property. The reason we are here before you, is that we have this plan that I am presenting to you right know, shows conforming lots, where we meet lot requirements, lot widths, setbacks, etc. That is the obvious thing here, and the reason that we are here.

The Planning Board asked us to consider a variance on this. That is why we are here. It's this minimum width requirement of fifty feet from the road frontage back to the main portion of the lot. This lot, lot 76, here. So with the fifty foot width, we end up with this radial line going back, a curve, and a hammer-head type lot.

MR. BLIAR: Excuse me for just a second, did you say that the Planning Board asked you to come to us to get a variance because they didn't particularly like that plan?

MR. RIINA: Yes, they preferred the other plan, and asked if we would consider pursuing the variance, in order to have a more regular shaped lot, which is this plan here, as you can see, the lot has a more regular shape to it. The curve is out of this property line. The impact of this, over the previous plan, is that the house moves forward, shorter driveway, further distance from any of the neighbors. Also by pulling it forward, we are out of the steep area of the lot. Not that the slopes are steep, but we are in a more moderately sloped area. Granting this variance really has no effect because, on this proposed back lot, the existing driveway to that home will still fit well within that strip. There is no adverse effect that is going to be realized by this, by this lot here, or any of the neighbors. In short, we do have plan that shows a lot that conforms to all of the zoning requirements, but this is the preference to get a more regular shaped lot.

MR. MILLER: I would like to interject a point here for the Board to consider. Normally, the first impact for me personally on the Board, is if you can comply with a project, within the code, without asking for a variance, that's the preferable way to go. I think this is one of those rare cases where I would like the Board to seriously consider issuing the variance even though you can do this project without asking for a variance for a couple of reasons.

The way I see it, the difference here, and this is only proposed, nothing is actual, we are dealing with a hypothetical issue. You show a deck on the proposed home. If the house is moved aft that deck has to go, correct? Because you are showing only a patio. It seems to me that we consider issuing the variance for narrowing down that fifteen feet on the fifty foot flag at the choke point, right here, at this lower corner, or down the road, whoever builds this house will be back before us asking for a variance to put up the deck closer to the rear property line. So, I think the Board has to look down the road a little bit and consider, one or the other. We are either going to deal with a variance for the fifty foot flag, the driveway area, versus a setback for a future deck, because everybody today seems to like to have a deck. I think that is something I should mention, so everyone can be chewing on that a little. The lesser of the evils, is the fifteen feet on the property line because of the nature of this. I think this will be a lot less detrimental to the neighbor, than pushing the house back, plus the steep thing, and the residence on the side. I think this is the better of the deal, with that in mind. I would like to open it up to any of the residents to speak, please state your name and address for the record.

MR. MILLMAN: My name is Chris Millman, my wife Angela and I live up on 6 White Birch Drive, behind the property, up on the hill. We are right here. We just want to know what the plans are.

MR. RIINA: The new house is proposed down here, at the front of the lot.

MS. KURTH: I am Hildagund Kurth, at 8 White Birch Drive. I am at the corner. Is that a half acre. I just want to know what is going on.

MRS. MILLMAN: I am Angela Millman, 6 White Birch Drive. I know that when it rains really bad, or there is a big water surge, or snow or whatever, that tends to flood. How is that going to be fixed with the water, in order to put this residence there?

How is that going to affect the surrounding areas, where is the runoff going to be?

MR. MILLER: It appears that the Town is going to put in a new twenty-foot easement through the property here to accommodate that.

MS. KURTH: Through what property? Well, I have an easement going through my property and it just stops short of the Millmans.

MR. MILLER: Through the property where they plan to build. Maybe I can show it to you here.

MRS. MILLMAN: So it will be like a catch basin or something?

MR. MILLER: They are showing a concrete structure here.

MR. RIINA: There is a culvert there now but it is believed to be in need of repair, so we are working with the Town Engineer now, possibly replace and repair the culvert that is there which will eliminate any backwater problems that are occurring right now. In addition there are going to be some drains put on for the individual homes to pick up any runoff that might occur and tie into that culvert.

MR. MILLER: So is that this here? So you can see they are diverting the water into that.

MS. KURTH: If this is the house, the water problem is here, so it's going to come from this property. It goes over the bank and comes out a couple of day's rain. This whole section is wet.

MR. MILLER: Well the handling of the water would be the Planning Board.

MR. BLAIR: Am I correct in saying that there is going to be a Public Hearing on the subdivision itself?

MR. RIINA: That's right.

MR. BLAIR: The issues like drainage and all the land issues that the Planning Board is charged with dealing with are taken up at that time. Really, this is just a question of how the proposed subdivision will or will not conform to the existing zoning regulations. As the Engineer has pointed out there is a relatively small problem at the southern end of the lot, but he can build this house as of right once that subdivision plan is approved if he chooses to use an alternative arrangement or layout for this house for Mrs. Viggiano.

MS. KURTH: This is odd, because she is going to have an easement for the water, they are going to do it at the bottom of the hill. How come they just stopped short of my property line and the two houses next to me down, there is no easement there is the brook, open? You know all the neighbors have easement and by me they stopped and this is all open. I have been there thirteen years and everything gets washed away.

MR. SPECTOR: That is really a Town Board issue, because, when you come in for a subdivision application, you can't address somebody else's property. All they can address is what is proposed on this property.

MRS. MILLMAN: Has this already been subdivided and sold?

MR. SPECTOR: No. They are looking to do that.

MR. RIINA: We will be back before the Planning Board, and there will be a public hearing again.

MR. TAWIL: What is the plan for the existing structure?

MR. RIINA: That will remain.

MR. BLAIR: Do you have any history on this cut out. Why the adjoining property is configured that way. With this notch at the southwest corner of the property.

MR. RIINA: I asked the Town Engineer about it, but we don't seem to know what it is. There is nothing physically that I can make out for that cut out.

MR. BLAIR: Have you tried to buy that offending notch.

MR. RIINA: No.

MR. HAMILTON: Well, you don't know if that will make the other lot non-conforming.

MR. MILLER: I agree.

MR. TAWIL: That may not be what the adjoining land owner might be interested in doing, for all we know. It would make life a lot easier.

MRS. MILLMAN: What notch are we talking about.

MR. TAWIL: What is causing the problem is that little dent at the bottom right corner of the property, that's where we have our pinch and we need fifteen extra feet.

MR. MILLER: I think we have to work with the property lines that we already have.

MRS. MILLMAN: There is a fire hydrant at that corner.

MR. RIINA: Yes, it is in from that notch.

MR. MILLER: It is in that area along with a utility pole. John, do you have any concerns before we address it?

MR. HAMILTON: No, it is pretty straight forward.

MR. MILLER: I would like to put it up to a vote at this time.

MR. TAWIL: I think, considering what we have heard tonight, considering the use of the lot, the potential for future problems if we don't grant the variance, and the fact that, any other issues such as water drainage and the stream are probably more of a Planning Board issue. I would vote in favor of the variance.

MR. CHIN: I am not too thrilled with the idea of granting the variance without the design of the house and at the pleasure of applying for a variance for the property

MR. MILLER: If I may, I would like to say, whatever house does get built, it will have to conform to all the codes of a standard lot then. It's better to have a standard lot than a non-conforming lot.

MR. CHIN: It's not a non-conforming lot, it's a more regular one.

MR. TAWIL: When you have straight lines, I think it makes life a lot easier.

MR. MILLER: Is that a yes Chin?

MR. CHIN: Yes.

MR. BLAIR: I am in favor of granting the variance. I think that change requested is very modest in nature and it's certainly not going to change the character of the neighborhood, it is a pre-existing problem that is not self created. I think that the request and the feelings of the Planning Board, weigh heavily here, their judgment if possible, of having a regular shaped lot is preferable from a planning perspective and I think we should give preference to that.

MR. MILLER: I vote positive, as well. I think that is the best solution for the situation, based not only on your concerns, but on the neighbors concerns. It keeps the future house as far away from them as we possibly can and meets the code. It should also make it easier for you to meet the design of the standard code. I think common sense prevailed and I appreciate everyone of you thinking this through.

ZONING BOARD OF APPEALS

TOWN OF OSSINING X

In the matter of the Application of

Georgene Viggiano, 124 Cedar Lane **DECISION**

For a variance from the provisions

Of the Zoning Ordinance of the Town of Ossining X

This is an application by Georgene Viggiano for a variance from the provisions of Section 200-25.1, paragraph B, of the Code of the Town of Ossining. The applicant is the owner of a parcel of land located at 124 Cedar Lane, Ossining, New York, and designated as Section 80.19, Block 2, Lot 76 on the Tax Map of the Town of Ossining, in a R20 Zoning District.

The applicant is seeking variance relief for a proposed subdivision which will create a more regular shaped lot that will comply with the zoning code for future construction of a single-family residence.

Pursuant to the applicable provisions of law, and after due notice and publication, a public hearing was held on May 21, 2007. The members of this Board are presently familiar with the property and its location and have inspected and viewed the site. The Board has investigated this application and has given its due and full consideration to the testimony presented at the hearing and hereby find, determines, and resolves:

1. The property is located at 124 Cedar Lane, Town of Ossining, New York and is designated on the Tax Map of the Town of Ossining as Section 80.19, Block 2, Lot 76, in the R20 Zoning District.

2. In accordance with Section 200-45 of the Zoning Code of the Town of Ossining, the Board has considered whether an undesirable change would 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 requested variance is substantial; whether the proposed variance will have any adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and whether the alleged difficulty was self created.

3. No governmental representative of the Town has shown that strict enforcement of the ordinance is required for public health, safety or welfare, or that granting a variance would have a direct or substantial or adverse effect on the surrounding area.

4. In accordance with the foregoing, the applicant's request for a fifteen foot (15') variance, is hereby granted, provided that as described by the applicant and further provided that all necessary approvals be obtained from the Planning Board.

5. This decision shall constitute the decision of the Zoning Board of Appeals pursuant to Section 200-46, Subsection G of the Zoning Ordinance of the Town of Ossining.

DATED: May 21, 2007

Edward Miller, Acting Chairman
Ching Wah Chin
James Blair
Michael Tawil