

RECEIVED

APR 19 2022

Town of Ossining
Building & Planning Department

TRANSMITTAL COVER SHEET

DATE: 18 April 2022

SENDING TO: Town of Ossining
Building & Planning Department
Attn: Sandra Anelli,
Zoning Board Administrator

ADDRESS: P.O. Box 1166
101 Route 9A
Ossining, NY 10562

APPLICATION: Rivera Residence
5 McCarthy Dr., Ossining, NY

FROM: John Martin Reilly a.i.a.

ITEMS ENCLOSED: (1) Application to the Zoning
Board of Appeals form.

(1) Application fee check in the
amount of \$350 dollars

(1) Letter of Intent

(1) Letter of Denial

(1) Letter of Authorization for JMR

(1) Short Form EAF

(5) Surveys

(5) Sets of architectural plans

NOTES / COMMENTS:

To whom it may concern:

I can be reached at (631) 425-1990
or JMRarchitect@optonline.net should you need anything further.

Sincerely,

John Martin Reilly



TOWN OF OSSINING
BUILDING & PLANNING DEPARTMENT

101 ROUTE 9A, P.O. Box 1166
OSSINING, N. Y. 10562

PHONE: (914) 762-8419 FAX: (914) 290-4656

Website www.townofossining.com & Email bldgdept@townofossining.com

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APR 19 2022

Town of Ossining
Building & Planning Department

APPLICATION TO THE ZONING BOARD OF APPEALS

Date 29 MARCH 2022
P.O. Box 422
(1) We JOHN M. REILLY, a.i.a. Of 70 MAIN ST., SUITE 101C
(Name of Applicant) (Street)
HUNTINGTON NY 11743 (631) 425-1990 JMRARCHITECT@OPTONLINE.NET HEREBY
(Municipality) (State) (Zip Code) (Phone No.) (Email)

(x) 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

(x) 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 PROPERTY:** 5 MCCARTHY DRIVE, OSSINING, NY
(Street and Number)

SECTION 89.07 BLOCK 3 LOT 15 ZONE R-20A

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.

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.

Yes _____ No ✓

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

N/A Yes _____ No _____

(OVER)

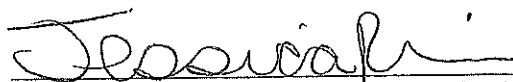
2. PROVISION (S) OF THE ZONING CODE INVOLVED:

Section 200 subsection 21 paragraph (c)

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.) THERE ARE (2) TWO PROPOSED REAR ADDITIONS AND (1) ONE RAISED MAIN FLOOR DECK. THE EXISTING FLOOR AREA IS 3,433 SQ. FT. AND THE ALLOWED FLOOR AREA IS 3,885 SQ. FT. FOR THIS PROPERTY. WE ARE ADDING A TOTAL NET FLOOR AREA OF 979 SQ. FT. AFTER REMOVING THE EXISTING 300 SQ. FT. RAISED DECK, THE EXISTING FLOOR AREA (3,433 SQ. FT.) PLUS THE NET INCREASE OF ADDITIONS (979 SQ. FT.) EQUALS 4,412 SQ. FT. OF TOTAL PROPOSED FLOOR AREA. THE PROPOSED FLOOR AREA 4,412 SQ. FT. MINUS THE ALLOWED OF 3,885 SQ. FT. EQUALS THE 527 SQ. FT. VARIANCE RELIEF REQUESTED
4. REASON FOR APPEAL (State precisely grounds on which it is claimed that relief should be granted. Use extra sheet if necessary.)
SAM RIVERA IS A QUADRIPELIC AND IS A LONG TIME RESIDENT OF THE TOWN. HE IS CONFINED TO A WHEELCHAIR WHICH CREATES ACCESSIBILITY ISSUES TO MOST OF HIS HOME. WE ARE TRYING TO PROVIDE ADDITIONAL SPACE FOR SAM'S RECREATION. WE ARE ADDING A FAMILY ROOM AND RECREATION ROOM ON THE INSIDE TO PROVIDE HIM WITH MORE USABLE SPACE IN HIS HOUSE. WE ARE ALSO ADDING A MASTER BEDROOM FOR JESSICA WHO IS BOTH SAM'S WIFE AND CARETAKER. THERE WILL BE OUTDOOR AREAS FOR SAM'S ENJOYMENT AS WELL. THIS IS A COMPACT DESIGN IN ORDER TO REQUEST THE MINIMAL VARIANCE AND PROVIDING MAXIMUM ACCESSIBILITY FOR SAM
5. Enclose 10 copies and 1 pdf version of an accurate and intelligible plan, survey, location map, of the Property drawn to a suitable scale email to bldgdept@townofossining.com and a nonrefundable fee of \$350.00 payable to Town of Ossining.



(Signature of Property Owner or Authorized Agent)



TOWN OF OSSINING

BUILDING DEPARTMENT

101 ROUTE 9A, P.O. Box 1166

OSSINING, N. Y. 10562

PHONE: (914) 762-8419 FAX: (914) 290-4656

Website: www.townofossining.com Email: bldgdept@townofossining.com

March 7, 2022

Mr. John M. Reilly, RA
70 Main Street
PO Box 422
Huntington, NY 11743

RE: 5 McCarthy Dr., Ossining, NY 10562
Sec. 89.07 Blk. 3 Lot 15

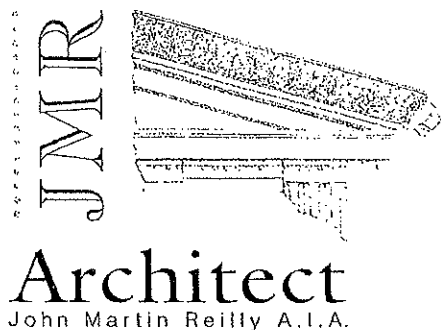
Dear Mr. Reilly;

I am in receipt of your building permit application for 5 McCarthy Drive. In reviewing the plan it appears you do not conform to Section 200-21(c) of the town zoning code regarding floor area ratio. You are correct that your floor area ratio exceeds the allowable floor area of 3,885 sq.ft. by approximately 527 sq. ft. As a result I must deny your building permit application. The options are to either bring the floor area into compliance with the zoning code, or apply to the zoning board for a variance. Kindly advise this office of the path you wish to pursue.

Sincerely,

John Hamilton
Building Inspector

Cc: Town Counsel
File



> 15 March 2022

Town of Ossining
Building Department
P.O. Box 1166 Route 9A
Ossining Operations Center
Ossining, NY 10562
Attn: Mr. John Hamilton
Senior Building Inspector

> OPUS 1201

> Letter of Intent
Rivera Residence
5 McCarthy Drive
Ossining, NY 10562

Sect: 89.07 Block: 3 Lot: 15

Dear Inspector Hamilton:

Letter of Intent

Enclosed with this letter is a Building permit application to construct additions to the above referenced home along with the installation of a swimming pool and patio surround. I have also enclosed (3) three sets of schematic plans along with a survey of the existing property.

It is our belief that the enclosed design exceeds the allowed Floor Area Ratio (FAR) by 527 square feet. My client, Samuel Rivera, is a quadriplegic and is a long time resident of the Town. He lives in a raised ranch and has very little living space that is useable to him. He is confined to a wheelchair which creates accessibility issues to most of his home.

We are trying to provide additional space for his recreation and a master bedroom suite for Jessica who is both Sam's wife and caretaker. The family would like a pool and Sam would like to enjoy watching his family enjoy the pool from an enclosed screened in patio area that will protect him from insects.

We respectfully request that you issue a Letter of Denial so that we may proceed to the Zoning Board in order to obtain the relief necessary so that the Sam and Jessica Rivera can enjoy a better quality of life in Ossining.

Yours Truly,

John M. Reilly, a.i.a.
Principal

**Jessica and Samuel Rivera
5 McCarthy Drive
Ossining, NY10562**

29 March 2022

Town of Ossining
Zoning Board of Appeals
P.O. Box 1166
101 Route 9A
Ossining, NY 10562

Dear Chairman and Members of the Zoning Board,

Please accept this letter authorizing John M. Reilly as our architect to represent us as applicant. We authorize Mr. Reilly to submit our application and make the presentation to the Zoning Board of Appeals for relief from the Zoning Code.

Please also mail all correspondence and approvals to the address below:

John Martin Reilly Architect
P.O. Box 422
Huntington, NY 11743

Please contact John M. Reilly, architect, via phone and email address below regarding this application:

Tel #: (631) 425-1990
Email: JMRarchitect@optonline.net

Sincerely,

A handwritten signature in dark ink, appearing to read "Jessica R.", with a stylized flourish at the end.

Jessica and Samuel Rivera
Owners – 5 McCarthy Drive, Ossining, New York.

Short Environmental Assessment Form

Part 1 - Project Information

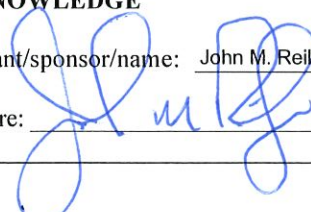
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part I. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part I 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: Rivera Residence			
Project Location (describe, and attach a location map): 5 McCarthy Drive, Ossining, NY 10562			
Brief Description of Proposed Action: The proposed additions to the home are as follows: 1) Northwest 2-story addition (approximately 322 sq. ft. per floor) 2) Southwest 1-story addition (approximately 348 sq. ft. per floor) with screened in patio underneath 3) Second story rear deck addition (approximately 316 sq. ft.) 4) Northwest 2-story addition (approximately 322 sq. ft. per floor) 5) Demolition of existing second story deck and rear patios 6) Roofed over rear patio (approximately 67 sq. ft.) 7) New pool and patio surround			
Name of Applicant or Sponsor: John M. Reilly, a.i.a.		Telephone: (631) 425-1990 E-Mail: JMRarchitect@optonline.net	
Address: P.O. Box 422, 70 Main Street, Suite 101C , NY			
City/PO: Huntington	State: NY	Zip Code: 11743	
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.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ .51 acres b. Total acreage to be physically disturbed? _____ .064 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ .51 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: <u>The house currently has solar panels that will be reconfigured to accommodate the proposed roof configuration</u>	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
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?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>John M. Reilly, a.i.a.</u> Date: <u>3/29/2022</u>		
Signature:  Title: <u>Architect</u>		