

August 29, 2022

[Via Hand Delivery and Email]

Carolyn Stevens, Chair
Town of Ossining Planning Board
John-Paul Rogers Operations Center
101 Route 9A
P.O. Box 1166
Ossining, NY 10562

**Re: 550 North State Road (90.15-2-8)
Terra Rustica Ristorante
Amended Site Plan Approval**

Hon. Chair and Members of the of the Planning Board:

I. INTRODUCTION

This firm represents Terra Rustica Ristorante (“Applicant”), the lessee of the property located at 550 North State Road (“Property”), in connection with this amended site plan application. The Property is owned by 550 North State Road LLC, c/o Lordae Properties (“Owner”). The Owner has consented to and authorized the Applicant to process this amended site plan application. The Owner’s authorization letter is attached as **Exhibit A**.

The Applicant is proposing to enclose the existing covered porch with clear tempered glass. The purpose of this letter is to transmit the amended site plan application and to request placement on your Board’s July 20, 2022 agenda.

II. DESCRIPTION OF SITE AND ZONING

The Subject Property is located at 550 North State Road and is identified on the Tax Assessment Map of the Town of Ossining as Section 90.15, Block 2, Lot 8. The relevant portion of the tax map is attached hereto as **Exhibit B**. Aerial images of the site are attached hereto

as **Exhibit C**. The Subject Property is located in the GB (General Business) zoning district, which permits restaurants as a principal permitted use.

The Subject Property is 1.1 acres and is improved with an approximately 4,300 s.f. structure and $\pm 1,000$ s.f. deck. The building has been occupied by the Terra Rustica since 1999. Currently, there are 55 parking spaces on site.

III. PRIOR APPROVALS

The existing building was originally constructed in 1972. Since that time, it has been occupied by a variety of restaurants. As mentioned above, the Applicant has occupied the premises since 1999.

In 2021, the Applicant submitted an amended site plan application to expand the existing covered porch by 380 s.f. At the time of the application the covered porch was 620 s.f. and the proposal called for it being expanded to 1,000 s.f. Due to the irregular lot shape, the north-east corner of the proposed expanded covered porch encroached into the front yard setback. The Applicant secured the necessary variance from the required front yard setback on March 15, 2021. A copy of the meeting minutes are attached hereto as **Exhibit D**. Finally, on April 7, 2021, your Board granted amended site plan approval. A copy of the amended site plan resolution is attached hereto as **Exhibit E**.

IV. CURRENT PROPOSAL

The Applicant is now proposing to enclose the 1,000 s.f. covered porch with clear tempered, insulated glass. This will allow the Applicant to utilize the covered porch throughout the entire year. Please note that there is no intention to increase the seating capacity on the porch. Accordingly, as shown on the zoning compliance chart, this proposal is fully compliant with the parking requirements contained in § 220-29 of the Ossining Zoning Code.

The following plans are submitted in support of this application:

1. Drawing S-1, Site Plan, prepared by DeMasi Architects P.C., dated July 21, 2022; and
2. Drawing A-1, Veranda Plan, prepared by DeMasi Architects P.C., dated June 20, 2022.

V. CONCLUSION

Attached hereto as **Exhibits F** and **G**, please find a completed application and Short Environmental Assessment form, together with the application fee of \$350. Please place this matter on the Planning Board's September 7, 2022 agenda for an initial presentation.

If you have any questions or concerns, please don't hesitate to contact me.

Very truly yours,

Kory Salomone

Kory Salomone

cc: Client
Lou Demasi, AIA

EXHIBIT A

Hon. Carolyn Stevens, Chair
Town of Ossining Planning Board
101 Route 9A
Ossining, New York 10562

RE: 550 North State Road, Briarcliff Manor, NY

Hon. Chair and Members of the Board:

Lordae Properties is the owner of the property located at 550 North State Road, Briarcliff Manor, NY 10510. The site is currently occupied by the Terra Rustica restaurant, which is owned and operated by William Morocho. By this letter we hereby authorize and provide our consent for William Morocho and/or Abel Magana to submit and process an amended site plan application before your Board for the renovation to the existing restaurant deck. Should you have any questions or concerns, please don't hesitate to contact me.

Thank you

550 NORTH STATE RD LLC

A handwritten signature in black ink, appearing to read 'Camillo M. Santomero III', written over a horizontal line.

By: Camillo M. Santomero III
Member

EXHIBIT B



EXHIBIT C



Aerial Location Images

Aerial Location Images For

550 N. State Road. Briarcliff Manor, NY.

Date	Jan. 21, 2021
Job No	221-011
Drawing	1 OF 1

DeMasi Architects P.C.

105 SMITH AVENUE, MOUNT KISCO, NEW YORK 10541

PHONE: (914) 666-3858

EMAIL: LoveDeMasiArchitects.com

Do Not Scale Prints

EXHIBIT D

PUBLIC HEARING
TOWN OF OSSINING ZONING BOARD OF APPEALS
Terra Rustica Ristorante
550 North State Road
SBL 90.15-2-8

Zoom Meeting

March 15, 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 March 15, 2021 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.

Tom Wills: Tom Wills, Member.

Christie Addona: Christie Addona, Attorney.

John Hamilton: John Hamilton, Building Inspector.

Chairman: Before we start this evening, I would like to take a moment to remember those that have died of the Coronavirus. They have family and friends and especially all the front-line workers, everybody just give a moment of silence.

Thank you.

Chairman: We have one hearing 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 raise your hand, state their name and address for the record. After the comments are received and the hearing is closed, we will try to render a decision this evening.

For the record, one member of our board is not on yet and he may or may not make it by eight o'clock so I'd like to know from the applicant or representatives if it's okay with you to go on with the number of board members currently online?

Kory Salomone: Yes, we'd like to proceed please.

Chairman: Okay. Notice of Public Hearing.

Notice is hereby given that a Public Hearing of the Town of Ossining Zoning Board of Appeals will be held on Monday, March 15, 2021 at 7:30 p.m. on the application of Terra Rustica Ristorante, 550 North State Road, Briarcliff Manor, NY. 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, March 15, 2021 @ 7:30 p.m.

<https://us02web.zoom.us/j/83329022336>

Meeting ID: 833 2902 2336

One tap mobile

+1-929-205-6099, 83329022336# US (New York)

Meeting ID: 833 2902 2336

Find your local number: <https://us02web.zoom.us/j/83329022336>

****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, Article IV. Bulk Regulations, Section 200-23. GB General Business District, in order to expand an existing outdoor deck. The proposed construction would result in a front yard setback of 25.1' where 30' are required. The property is owned by 550 North State Road LLC, 1 New King Street, Suite 201, West Harrison, NY 10604, located at 550 North State Road, Briarcliff Manor, within the unincorporated area of the Town of Ossining in the General Business (GB) Zoning District and is identified on the Tax Map of the Town of Ossining as Section 90.15, Block 2, Lot 8.

Application materials and Plans titled, "New Covered Deck for 550 North State Road, Briarcliff Manor, NY" prepared by DeMasi Architects P.C, dated January 21, 2021 with latest revision February 8, 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/zoning-under-review/550-north-state-road-terra-rustica>

All interested persons are invited to attend the Public Hearing to 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.

BY ORDER OF THE ZONING BOARD OF APPEALS

Sal Carrera, Chairman

Dated: March 5, 2021

Chairman: We have a letter from the property owner giving authorization.

Sandy Anelli: Yes, we have that letter on file.

Chairman: I'd like to open it up to the representatives for Terra Rustica to give us a brief explanation of the requirements and then we'll go on from there.

Christie Addona: Chairman, sorry before you begin, we do have a full complement of the Board.

Chairman: Yes, there we go. Manny, thank you for making it.

Nicolas Enriquez (Manny): Yes, I made it. There was no traffic.

Chairman: Okay.

Kory Salomone: Good evening everyone. For the record, my name is Kory Salomone, I'm the attorney for the applicant. Here with me this evening is Lou DeMasi, of DeMasi Architecture. Just a little background about the property. Terra Rustica is located at 550 North State Road. The property is approximately 1.1 acres in size and located in the GB zoning district. The site is currently improved with the 4300 square foot building and with a 620 square foot deck. There's 55 parking spaces and the site has been occupied by Terra Rustica since 1999. So, as the Chair read in the notice, the proposal is just to put a roof over the existing 620 square foot deck and expand the size by 380 square feet. It will be a total of 1,000 square feet.

[Screen share of the Site Plan by Lou DeMasi, Architect]

Kory Salomone: Perfect Lou, as you can see by the orientation of the building, we're not perfectly parallel with North State Road. So the majority of the deck is compliant with the 30 foot setback requirement in the GB zoning district. However, there's a small corner that's like the north eastern quarter of the deck that does encroach, and again, at that point the setback is 25.18. So we're looking for a front yard setback variance of 4.9 feet. There will not be any change in the character of the community due to the granting of this variance should your board determine to grant it and there will be great benefit to the applicant.

We've appeared before the Planning Board on two occasions, February 3rd and February 17th. As we've explained at that meeting, really driving the desire to cover the deck and expand it is the pandemic, even when we come out of this people are going to want to be spaced further apart at restaurants. Right now, with the current size of the deck we have 30 seats out there. Even with the expansion we're just going to maintain 30 seats.

Kory Salomone: The only purpose, again, is to cover it so he could use it for longer periods throughout the year and to be able to spread the tables apart for more appropriate social distancing. So it's a pretty straight forward application and with that we will open it up to any questions or concerns that you may have.

Chairman: Thank you, and for our fellow Board Members as we move forward and ask questions, then open it to the public, also I'll read the criteria for an area variance which we have to take into consideration before voting:

Criteria for area 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: Me personally, I've lived here for 47 years. I know the site intimately and I understand the area of the deck he wants to be increasing. There's a major outcropping there and I could understand where it's not even in level with the rest of the site, so a little less than five feet, I could understand what the requirement is and I really have to think it's a straight forward application. I'll leave it up to my other Board Members and open it up to the public to get additional comments if any.

David O'Neil: Likewise, I think I have a good handle on the site conditions, and what exists now, having been there and have been out on the deck. So maybe you could just clarify, what is governing the length of the deck and where the posts will come down relative to that dictating the length of the deck?

Lou DeMasi: Thank you for the question. So, yes, basically where the ends of the patio doors are, that's where the deck is going to be ending and it just coincided to work with the spacing of the parking spaces, because I wanted the columns to fall in between each parking space, so we don't lose any parking spaces.

David O'Neil: And then, could you also describe maybe just a little bit what the covering over the deck is like, is that picture for something else?

Lou DeMasi: I'm going to try to share with you a rendering. Did that come up? A rendering?

Kory Salomone: It's kind of a black screen now.

David O'Neil: Okay, great.

Lou DeMasi: Here is that last patio door so that's where the covered part of the porch is going to end and what you're going to see is a slanted roof which is going to be for the area. These columns coincide with each of the parking spaces in between them and we're looking to have it kind of open and airy so I'm thinking of a metal railing. That's a cable railing that's kind of see through, so it looks more or less like a deck just covered.

Nicolas Enriquez: So the entire deck is going to be roofed?

Lou DeMasi: Yes, It will be to the part where there is a walkway. We don't really need the variance for, but I just want to show you this is going to connect back to the parking lot. This part of the deck here that part's not going to be covered, but it's not coming out as far as the existing deck now, it's just a walkway.

Nicolas Enriquez: Is there an egress? I'm sorry, on the other side of the deck?

Lou DeMasi: There is, but it's not for the public. It's for the wait staff to go back and for into the kitchen party that's in the back there. So it is not going to be accessed from the public now, but that is to remain through, it does connect to the back parking lot.

David O'Neil: Thanks, it is very useful to see this image, so I don't really have any other additional questions.

Chairman: Thank you. Anybody else on the Board? Anyone from the public, any comments from the public?

Vera Albrecht: Yes, can you hear me? My name is Vera Albrecht, I live a 552 North State Road. My house is literally behind the restaurant, where the tent is. Okay, we're 50 feet from the tent. Now, they're building this structure in the front, are they getting rid of the tent?

Chairman: My understanding is that it would happen unless god forbid there's another Covid. The local governments and the state have authorized additional seating for restaurants in parking areas until this Covid epidemic has ceased to exist and then it will be back open to parking that was there previously.

Vera Albrecht: Okay, I have, I have a problem with that, first of all in this paper, the proposal whatever you said, doesn't have an impact on the neighborhood. It does, it has a very big impact on where I live, okay. The tent that is there now, that he says has 30 people seeing him building that establishment in the front adding on, you can never take his word for it because he'll say "oh I'm doing 30 people". If he makes the deck larger, he's definitely adding more people. He's one you just can't trust and that's just as a neighbor I'm telling you, we have had a lot of issues with him.

Vera Albrecht: I work from home because of Covid also, so I have issues with that, too. I can't even open up my window without hearing the people talking and yelling and screaming and I can hear the phone conversations that go on, the music that goes on, the lights. When we moved here, I understand it's a restaurant and that's fine but it's it was always an indoor restaurant, I understand this Covid but at the same time I'm a citizen, I pay taxes too, I can't enjoy my house my weekends, because this guy is out there, blowing and cleaning and music going and the lights are shining in my living room on all the way to midnight now I've called the COPs and, believe me, you can check with them, I have like. I don't know 50 calls to the COPs for every little thing that they do, the delivery trucks pull into my driveway. They have cars from the restaurant that pull into my driveway I have people walking from next door walking up to my driveway and it's private property, they shouldn't be doing this. Now you're building, you're extending something out in the front, to make it even bigger to make more noise.

Vera Albrecht: I really honestly want them to take the tent down. It's the privacy of my property that I have. It's an outdoor restaurant, there's now animals that come, I've seen rats before, something has got to be done and I really am not looking for them to build this. If they're going to build this, then I want the tent down.

Rudy Albrecht: My name is Rudy Albrecht, I live at 552 North State, and I'm Mrs. Albrecht's husband. Living here we have a reasonable expectation of some privacy, some cordiality, some quietness, I work 5 to 6 days a week, I'm home on one or maybe two days a weekend. I can go out on a Saturday they're blowing, on a Sunday, they have dinner they have breakfast, it goes crazy and it goes through till midnight and then some.

Rudy Albrecht: The lights are on all the time. The lights out in the parking lot, I know they need security but why does it have to shine into my front window? It's crazy, people go to the restaurant, they have a good time, they drink, and they get inebriated I can't take it, I can't sit in my living room without somebody arguing in the restaurant. Everybody comes and goes but they go home. People that work in the restaurant, they have their work, I applaud them, they are welcoming, but they go home. There is no vested interest in there except making money in the restaurant. As a neighbor, they have done nothing to try to foster good relations.

Rudy Albrecht: This last snow storm, they had a contractor stay the whole night, they didn't leave till seven o'clock in the morning, clearing snow. This is ridiculous. I can't sleep, I wake up one night 12:30 go to the bathroom and it looks like Playland out in my backyard. Fifty feet from my front window. The more latitude these people have, the more they take to break the rules. The Police laugh because they say it's insane and the only thing we can do is keep calling, keep calling, and keep calling. Then this guy next door, my wife goes out to get the mail and he makes hand gestures pointing at his ears flapping wings and going na na. What kind of the moron does that? I want to be a good neighbor, I just can't trust anything these people do. It's crazy, morning, noon and night.

Rudy Albrecht: We bought this place when Gunnar Neilson was here and he told us "You know that might not go through it going to be a business like a doctor or a dental office. It did not happen. When it was inside, it was tenuous at best but now if let these people operate outside, music till midnight, later and longer. The people that work there, work in the yard way past closing time to do whatever it is they do, they make noise. My life has changed and not for the better. I don't know what else to say.

Vera Albrecht: We would just like to be heard that they really do not build this structure and this tent comes down. If it does go through then the tent should come down.

Rudy Albrecht: There's got to be some oversight on this, please, the tent has got to come down and they got that light out there shining right into my living room. Anybody here is welcome to come by and sit in my living room and hear and see what goes on any day, any time, and you'll see this bright light shining in my window. The Police asked the guy "maybe you can angle it" he said no! What is this?

Chairman: Okay, in order to, and you have a lot to say, number one, the restaurant is in a General Business district and he has every right in a GB zone to make sure his piece property is maintained, especially in a snow storm so no one falls. So, I can't scold him with regards to maintaining his piece of property.

Rudy Albrecht: Not at midnight!

Chairman: Excuse me, let me finish please. Snow removal, without getting involved with how much snow we had this year verses last year or previous years, snow removal companies come when they feel it's necessary and if they're opening up at six or seven in the morning and everything has to be cleaned, sanded and salted, that is his responsibility and if it wasn't he would not be able to open for business. With regards to him mowing and blowing, and I've seen it because I live on Ryder Avenue, and I go exercise across the street, they maintain the property as best they can, whether he does it or whether he brings in an outside contractor.

Chairman: With regards to the tent, the tent is a temporary installation due to Covid. Most restaurants throughout all of the New York State are either taking over parking lots and/or private or public streets and made it into a public dining area to help these restaurateurs survive during this time. Once Covid is finished and the State says no more outdoor dining in areas, especially in a tent. That tent will come down. That deck has always been there. I've lived here for forty seven years and it has been a restaurant for as long as I remember and every other restaurant down North State Road has outdoor dining with or without a tent, whether it's covered or not. It is a fact of life that North State Road is a general business area.

Chairman: With regards to calling the Police, you have every right to go do that. If there's a legitimate complaint and let them take care of it. The Zoning Board of Appeals does not make a decision on violations that may or may not occur. We are not the enforcement arm of the Town of Ossining. We base our decisions on the criteria for a variance and that's what we have to make a decision on this evening. Are there any other comments from the Public?

Sabrina Albrecht: My name is Sabrina, I live at 11 Hillcrest Avenue, Ossining, New York. I have a number of questions as far as the actual structure itself. Typically when you have a roof structure you're going to have an echoing of noise. Even though it's going to be the front or the side, however you want to structure it, it is going to be an increase in the amount of noise that is already there. Am I incorrect in understanding that? There's going to be even more noise than there currently is?

Chairman: I'm not an acoustic engineer, Lou, maybe you can answer that?

Lou DeMasi: The ceiling is going to be made of a wood type that is going to help absorb the sound so there's not going to be anything that reflects. That's what creates the sound, reflection, so as long as we don't have hard surfaces like stone or stucco, it's going to help absorb the sound. We're planning on putting in a cedar material that's going to help absorb the sound.

Nicolas Enriquez (Manny): The sound is going to be projected towards the street more often than the street. Is it my understanding that your house is behind or beside the structure?

Chairman: Hillcrest is behind.

Nicolas Enriquez (Manny): Yes, so, there won't be additional noise coming from the restaurant, from the back.

Sabrina Albrecht: Hillcrest is nowhere near North State Road. My other question is regarding vermin. If you're going to have an increase in the number of people outside what about things like mice and rats, things like that?

Vera Albrecht: And there are.

Kory Salomone: We're not going to have increase in the number of people outside.

Sabrina Albrecht: How do you plan to control that is my question?

John Hamilton: By having the building inspector who's also the code enforcement official monitoring. If there's a problem, all you have to do is call us and we will check. We've not received any complaints from anyone regarding overcrowding, not a one.

David O'Neil: John, is the number of people on the existing terrace covered by a certificate of occupancy?

John Hamilton: Yes, it is.

Nicolas Enriquez (Manny): And you're only adding 300 square feet, from an existing 600.

Kory Salomone: It's an existing 620 and we're adding 380.

Vera Albrecht: So you're adding 30 people to the deck and 30 that are in the tent?

Kory Salomone: This application has nothing to do with the tent we're focused on the deck that currently can seat 30 people and when we're done it will still have 30 seats.

John Hamilton: The tent is a temporary structure due to Covid restrictions. The Town passed an ordinance allowing the tents during this time. When this is approved then more than likely, the tents will come down and there will be no increase of capacity on the deck.

Rudy Albrecht: They cited on the original paper that they are doing this because of the pandemic that was originally one of the reasons why they wanted 1,000 square foot to be more appropriate distancing between the tables for this pandemic. So you're going to add the 300 so it will make it 1,000 and you'll still have the tent for however long somebody deem it necessary that the law will allow them to take the tent down. Correct?

John Hamilton: Now, that is not an accurate statement. Once we get all of this together and the Covid issue is over the tent will be removed.

Rudy Albrecht: But then what I'm saying is that this thing can go on for many, many months and you'll still have the tent and the new deck.

John Hamilton: But you won't have an increase in capacity. You will not have more people whether the deck is enlarged or not. The same number of people are going to be out there.

Vera Albrecht: So why are they extending the deck in the front if they are not going to have more people?

Kory Salomone: To provide more distancing between the tables.

Rudy Albrecht: Well that's why you have the tent, isn't it?

Kory Salomone: The tent is not permanent. People coming out of a pandemic are by nature going to want to have more distance between themselves and the people sitting at the next table.

Rudy Albrecht: You said before that you need the tent because of the pandemic but if you have that space on the deck then you don't need the tent.

Vera Albrecht: You know, it just seems every time we go to a Board meeting, exactly like the Zappi's where they were supposed to build a fence and we were told by the Board meeting that a fence is going up and everything else and nothing ever got done. We pay taxes and we're a good neighbor and nothing, no one ever follows through. It's always the restaurant is always going to get what they want. We are going to live miserable again, no matter what we do to call to be on a Board meeting to complain about something, nobody seems to listen so why is there even a Board meeting since your minds are already made up that you're going to have this thing built and it's going to be passed.

Rudy Albrecht: You put in your proposal that you want to make it a healthy, safety, and welfare of the neighborhood taking us into consideration.

Vera Albrecht: You're not! You're not taking us into consideration here. We're the only neighbor unfortunately that is facing by the restaurant and not once have you guys ever considered anything we ask.

Rudy Albrecht: He's been here for forty-seven years, I've been here for thirty-seven. He's not subject to what we go through and he sits there and it looks like he's already made up his mind. There's no reason not to allow this to happen. But look at the people that are behind you, its people that are utilizing the structure. They are making life miserable for us.

Vera Albrecht: Obviously, that doesn't seem to matter to you people because you're there just to pass a law to say "Okay, let's pass it and that's it".

Rudy Albrecht: Yes, and you generate a few more tax dollars and that's great, that's business, but it doesn't matter if it's on somebody else's back does it?

Nicolas Enriquez (Manny): I understand the concerns of the Albrecht's but the zoning meeting is just to discuss the five foot encroachment on the thirty foot setback.

Rudy Albrecht: Then why put it in the paper that it's the welfare of the neighborhood for granting a variance.

Christie Addona: May I please interrupt? Okay, there are five statutory criteria that have to be considered. It is whether the requested variance will have an adverse effect on the character of the neighborhood. So what the Zoning Board is looking at is the variance that is encroaching five feet into the front of the property in order to allow this deck to be enlarged for the purpose of spacing out the seating. That is what we are looking at right here.

Nicolas Enriquez (Manny): Everything else is legal construction as far as the code requirements are.

Rudy Albrecht: Because it was said in this meeting that they want to take the consideration of the neighborhood, the health, and welfare of the neighborhood. We have a voice too, we should be heard too.

Christie Addona: That is the statutory criteria related specifically to the variance being requested.

Rudy Albrecht: Okay, so it doesn't have any bearing on what we have to say?

Vera Albrecht: no.

Christie Addona: I mean the applicant can certainly respond and take it under consideration. The board can consider putting some conditions on the variance that they wanted to make.

Rudy Albrecht: If you could, I would ask that that be done because I would invite anybody to come and spend some time next door. Like they said, we have a reasonable expectation, we knew we bought this place, knowing it was a restaurant and when it was inside it was contained it was somewhat tenuous but the parking was horrendous but there was no problem with the outdoor. Yes, the pandemic has hit the restaurant and they're suffering but we are too and my wife has to work from home and I can't stay here at times it's ridiculous we invited our pastor from church to have dinner with us one morning, Saturday morning and next door to go with the blower. We had a dust storm sitting at our dining table outside. Every time we call the Cops, the guy in the restaurant, where the Cops are with us, they like us better than you. I don't have to hear this. It's ridiculous and then you know it's just always an argument I try to be a good neighbor everybody in this neighborhood knows us, we are good neighbors we help the Community where PTA Chairman people. Our own kids went to the school. We live here, it's very important that people come home and rest I don't have to listen to some lady getting drunk and having to yell on the other end of the phone 45 50 feet from my window.

Rudy Albrecht: It's got to be some hold, some guidance for these people, some rules and regulations that they can follow and try to be a good neighbor, it just doesn't never happens.

Chairman: The criteria here, and it is something that that the zoning board cannot fix, is that the restaurant is allowed to be there, they are allowed to maintain that piece of property, they're allowed to mow blow snow blow.

Vera Albrecht: By rules!

Chairman: Let me finish, please and due to the fact that they are going to be adding a number of feet in the front of the building that faces North State Road, the criteria that this board has to follow for an area variance is specific. I understand your complaints with regards to noise, but it is a restaurant, I understand, about snow removal and lawn mowing, I live on Ryder Avenue and the carwash on North state road, which is a general business area and my houses in a residential, I hear every car that's washed, every blowing of the car every wheel that's clean, and there's nothing I could do about it, it is a business. I understand what you're saying, and my neighbor who lives across the street that's right adjacent to the car wash, he lives in agony 365 days a year, seven days a week, because it is a general business area and there's nothing that we can do to prevent that man from having a carwash just like General business that's allowed to have a restaurant there. They're allowed to be open at certain hours and he's allowed to maintain his piece of property okay.

Vera Albrecht: Can I just say some why you just said that about where you live, I know where you live, and I know where the car wash is and I know okay fine you might hear the noise but you don't hear it at 12 one two o'clock in the morning, this restaurant stays open and wait a minute, let me finish and this is a law, they are not allowed to blow into eight o'clock in the morning, they are not allowed to blow into whatever time it was five or five o'clock at night or whatever, then they're supposed to stop and they don't and they blow at night and they're on the roof at night and everything else and that's why we call the COPs.

Chairman: You have every right to do that. The Zoning Board does not get involved in infractions.

Vera Albrecht: I understand that, but you're saying you know, I hear the noise, you know from the car wash and everything, but you don't hear the noise when you're sleeping. Okay, so now you're inviting a large group of more people that's going to happen and I know your decision is made and I'm very upset about it and I just feel that the board does absolutely nothing anymore for anybody else. I can't speak for anybody else because we live right by the issue where do I go in order to go with concerns addressed? Can't go to Dana she doesn't do anything. She doesn't return phone calls.

Chairman: Okay, we're getting off the beaten track here with regards to this application, if you have problems with the Town or with Dana or with the Building Inspector or with the Police Department, there are ways of taking care of that. It has nothing to do with the Zoning Board of Appeals and in that reference will make a decision this evening, as soon as we close the public hearing if there's no one else here to say anything and, to be honest with you is that what they intend to do, which I think everybody is missing, and attorney has spoken about it is that the same number of people that are on the deck now are going to be the same number of people as the deck is enlarged.

Vera Albrecht: I want that in writing.

Chairman: That's cause of Covid and I think that's the right thing to do with regards to social distancing it's not that he's adding three or 400 additional feet, to get additional people into the restaurant or outside because, as Mr. Hamilton has said, there are only a certain number of people are allowed, as Mr. Hamilton said also is that the Town granted every restaurant in the town, like every other municipality, to take over areas okay for a temporary period of time during Covid so that they would be able to survive, other than having them go out of business and it becomes a zombie building with no one being in it, so that being said, if there's any other people in the audience, I would like to give any comments I'm open.

Vera Albrecht: I'd like to make sure that's in writing, though, that they're not allowed to add any more seats to what is there.

Chairman: It's per the CO for the building, Mr. Hamilton, is that correct?

John Hamilton: It's already on the plan, if you look at the plan it has the capacity and it shows the loads they cannot deviate once the Zoning Board approves it.

Vera Albrecht: I understand that, I want to make sure that happens, because they're not to be trusted so they will change it, and then, when I do come to the board to tell them that he's doing something different, than what are you going to do for me?

Chairman: Mr. Hamilton will then take it under his direction to do what he has to do.

Vera Albrecht: Yeah, okay, let's see, I hope so.

John Hamilton: You don't talk to the board if you feel there's an overcrowding issue, I will go out there if it's valid I will act on it, if it's not valid I will deem it to be invalid.

Vera Albrecht: It didn't happen to Zappi's but okay.

John Hamilton: Oh don't even start that because we already know you had a long conversation about Mr. Zappi, he did nothing wrong, and I showed it to you.

Vera Albrecht: No, you did not show it to me.

Christie Addona: Really, This is beyond the scope of what we're here to discuss and I'm going to have to insist, we stay on topic.

Chairman: All right, I'd like to take the vote for a motion to close the public hearing.

David Krieger: So moved.

David O'Neil: Second.

Chairman: Thank you. With regards to this variance, I like to take a vote, all in favor of granting it?

Tom Wills: Sal, I do have a question as a board member and there's one question I didn't know if I got the question really is, and I think John can clarify it I just influences my decision, is once the roof is completed, can the owners make that into a covered plastic around it, is that okay?

Chairman: That is just going to be a roof, this wouldn't be enclosed at all.

John Hamilton: It's not going to be enclosed at all. If this was to become enclosed they'd have to go to the planning board for a site plan approval.

David O'Neil: The portion that's not impacted by the variance can that be enclosed at a future date.

John Hamilton: Nothing can be done with that, you would have to go for planning board site plan revision.

Tom Wills: Even if, John I don't want to pick on it, but even though, even though with this new plastic temporary, would that have to be approved too. I just don't know.

John Hamilton: The only reason, any of this outside dining is in effect, right now, is because they passed the emergency Covid relief order. Once this goes away, that's the end of it, if they want to do something to enclose something that would have to go to the planning board for a site plan revision and see where they go from there.

Tom Wills: Okay, thank you for clarifying.

Chairman: Okay, may I take a vote with regards to who's in favor of grant and this variance. All in favor say Aye.

David Krieger: Aye.

Tom Wills: Aye.

David O'Neil: Aye.

Nicolas Enriquez (Manny): Aye.

Chairman: Aye, any Member against it?

Chairman: None.

Chairman: Let the record show that it is unanimous that the granting of this variance and move forward with the Building inspector to get the building permit and John, just watch what goes on.

John Hamilton: We handle any complaint that's given to us and if it's valid we act on it.

Chairman: Thank you have a good evening everyone.

Kory Salomone: Thank you very much for your time really appreciate you.

Time noted: 8:10 p.m.

EXHIBIT E

**RESOLUTION
TOWN OF OSSINING Planning BOARD**

Application of Terra Rustica

Property: 550 North State Road (Section Block and Lot 90.15-2-8 and GB Zone)

Resolution of Planning Board Approval

Background

WHEREAS, Terra Rustica (the “Applicant” and “Owner”) is seeking a Site Plan Amendment to construct to construct a 380 square foot addition to its existing outdoor deck.

WHEREAS, the Project Site is located at 550 North State Road, Section Block and Lot 90.15-2-8 (“Project Site”). The property is located in the GB General Business district.

WHEREAS, the Planning Board confirms that the project is categorized as a Type II action under NYS DEC 617.5 (c) as it is the “construction or expansion of a nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance”.

WHEREAS, the Applicant received a variance from the Zoning Board of Appeals for a front yard variance of 4.9 feet.

WHEREAS, the Applicant had made a preliminary presentation to the Planning Board on February 3, 2021 and, thereafter, the Planning Board conducted a duly noticed public hearing on March 17, 2021 and continued the public hearing on April 7, 2021.

WHEREAS, The Planning Board has carefully examined the Application and the Applicant’s materials as follows:

1. Site Plan approval application package by Kory Solomone dated January 25, 2021 which includes a cover letter, architectural rendering, site plan application, site plan, and the 1996 minutes and resolution of the Zoning Board of Appeals, and 1997 Planning Board resolution.
2. Letter from Building Inspector, John Hamilton dated February 8, 2021;
3. Response to comment letter by Kory Solomone dated February 8, 2021;
4. Short environmental assessment form dated February 8, 2021;

5. Correspondence from the Town Environmental Advisory Committee dated March 8, 2021; and
6. Site plan by Demasi Architects last revised March 18, 2021.

WHEREAS, the Planning Board has also reviewed and examined letters, reports, and memorandum from the Board's consulting engineer, Dan Ciarcia PE, and planner Valerie Monastra, AICP including the following:

- a. Memorandum dated February 1, 2021, February 16, 2021 and April 5, 2021 from the town planner.

WHEREAS, the Planning Board closed the public hearing on April 7, 2021 and at the same meeting, the Board deliberated in public on the Applicant's request for approval.

WHEREAS, the Board is familiar with the property and all aspects of the application and has determined that the proposal is consistent with the standards as set forth in the Town of Ossining Zoning Code ("Code"), Section 200-50.

Hearing Testimony and Documentation Evidence

The application for Site Plan approval involves the construction a 380 square foot addition to its existing outdoor deck. The existing outdoor deck of 620 square feet received site plan approval from the Planning Board in 1997. The deck will remain open to the outside with no walls. This property received a zoning variance in 1996 for outdoor dining as well as a variance for ten (10) parking spaces which permitted the outdoor deck to accommodate up to 30 seats. The Applicant is applying to the Planning Board to use the expanded outdoor deck area for the same number of seats as approved in the 1996 Zoning Board resolution.

Planning Board Determination

NOW FOR IT BE RESOLVED, the Planning Board determines that based upon the findings and reasoning set forth below, the application for Site Plan Amendment is granted subject to the conditions set forth below.

I. Findings

- II. The Planning Board is familiar with the Subject property and the general vicinity and has reviewed the application in accordance with Chapter 200, Zoning, of the Town Code.

- III. The Planning Board has conducted an extensive review of the Applicant's proposal and finds that the Applicant has satisfactorily addressed the criteria for granting Section 200-50 of the Town Code.
- IV. In accordance with Section 200-50 the Planning Board finds the application took into account the public health, safety and welfare and the comfort and convenience of the public in general and of the residents of the proposed development and of the immediate neighborhood.
- V. The Board considered, among other things, traffic access; circulation and parking; landscaping and screening; lighting; natural features; and whether these elements will exceed the capabilities of existing municipal roads or utility services.

VI. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Planning Board and approved by the Planning as follows:

- a. Site plan by Demasi Architects last revised March 18, 2021.

VII. General Conditions

- a. The following conditions must be met before the Planning Board Chair may sign the approved Site Plan ("Final Site Plan"):
 - i. The Applicant will submit a revised Site Plan based on the March 18, 2021 site plan with the following changes:
 - 1. A note on the site plan that all lighting will face downward.
 - 2. The light located in the back by the fence will be tipped downward.
 - 3. Lights will be installed on the steps.
 - 4. Planters will be installed on the deck for additional screening.
 - ii. The Planning Board's approval is conditioned upon Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans and evidence of such must be submitted to the Town Planning and Building Department.
 - iii. The Applicant must address to the full satisfaction of the Town Engineer, all outstanding storm water, and engineering issues raised in the hearings and documents submitted to the Board.

- iv. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Town Engineer and Town Planner, they shall also be considered "Approved Plans."
 - v. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Planning Board review of this Application.
- b. Force and Effect: No portion of any approval by the Planning Board shall take effect until (1) all conditions are met, (2) the Final Site Plan is signed by the chair of the Planning Board and (3) the Final Site Plan signed by the Planning Board has been filed with the Town Clerk.
 - c. Field Changes: Any further modification of the subject premises beyond those approved herein shall be subject to further Board review and approval except for grading changes that would result in the reduction of the height of the retaining wall which only requires review and approval from the Town Engineer. The Applicant is subject to all permits, time limits, and applicable fees as set forth in NYS Town Law and the Town Code.
 - d. Landscaping: All landscaping on the Approved Plans shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first and second year of installation. Individual species that do not survive beyond the first and second year shall be replaced at the beginning of the next growing season with another native species suitable for the site conditions.
 - e. Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule. The project must adhere to all applicable State and Town Codes.
 - f. Prior to Issuance of Certificate of Occupancy: The Building Inspector shall inform the Board of the Applicant's request for a Certificate of Occupancy and the Board reserves the right to make a field inspection of the site prior to the issuance of said Certificate of Occupancy, and to require any reasonable modifications to site details, which modifications shall be a condition of said Certificate of Occupancy.

- g. Issuance of Final Certificate of Occupancy: A Final Certificate of Occupancy shall be issued for the Site upon completion of all improvements shown on the site development plan and, if applicable, all easements and property interests have been duly granted or dedicated to the Town. The Applicant must enter into an agreement with the Town for the operation and maintenance of the storm water system. This agreement must satisfy the Town Engineer.
- h. Expiration of Site Plan: In accordance with section 200-50 C (9) site plan approval shall expire if:
 - i. All of the conditions required to be fulfilled prior to the signing of the site plans by the Planning Board Chairman are not fulfilled within one year from the date of the adoption of site plan approval and if said plans are not submitted for endorsement by the Chairman within said one-year period.
 - ii. All required improvements are not maintained and if all conditions and standards of the site plan approval are not complied with throughout the duration of the approved use.
 - iii. A bona fide application for a building permit or a certificate of occupancy is not made within one year from the date of the endorsement of the site plans by the Planning Board Chairman.
 - iv. All required improvements are not substantially completed within two years from the date of the endorsement of the site plans by the Planning Board Chairman. The staging of a development over a longer period may be specifically provided for by the Planning Board in its resolution of site plan approval.

The Planning Board may extend site plan approval if, in its opinion, such extension is warranted by the particular circumstances involved.

- IV. Specific Conditions: The following conditions must be met before the Planning Board Chair may sign the approved Site Plan ("Final Site Plan"):
 - a. A revised site plan that addresses all outstanding comments to the satisfactory to the town planner as outlined in the April 5, 2021 memorandum.

Dated as of April 7, 2021



Chairman

Motion by: Carolyn Stevens

Seconded by: Jim Bossinas

In Favor: All

Opposed: None

Abstaining: None

**RESOLUTION
TOWN OF OSSINING ARCHITECTURAL REVIEW BOARD**

Application of Terra Rustica

Property: 550 North State Road (Section Block and Lot 90.15-2-8 and GB Zone)

Resolution of Architectural Review Approval

Background

WHEREAS, Terra Rustica (the "Applicant" and "Owner") is seeking Architectural Review Board (ARB) approval to construct a 380 square foot addition to its existing outdoor deck.

WHEREAS, the Project Site is located at 550 North State Road, Section Block and Lot 90.15-2-8 ("Project Site"). The property is located in the GB General Business district.

WHEREAS, the Architectural Review Board confirms that the project is categorized as a Type II action under NYS DEC 617.5 (c) as it is the "construction or expansion of a nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance".

WHEREAS, the Applicant received a variance from the Zoning Board of Appeals for a front yard variance of 4.9 feet.

WHEREAS, the Applicant had made a preliminary presentation to the Architectural Review Board on February 3, 2021 and, thereafter, the Architectural Review Board conducted a duly noticed public hearing on March 17, 2021 and continued the public hearing on April 7, 2021.

WHEREAS, The Architectural Review Board has carefully examined the Application and the Applicant's materials as follows:

1. Site Plan approval application package by Kory Solomone dated January 25, 2021 which includes a cover letter, architectural rendering, site plan application, site plan, and the 1996 minutes and resolution of the Zoning Board of Appeals, and 1997 Planning Board resolution.
2. Letter from Building Inspector, John Hamilton dated February 8, 2021;
3. Response to comment letter by Kory Solomone dated February 8, 2021;
4. Short environmental assessment form dated February 8, 2021;

5. Correspondence from the Town Environmental Advisory Committee dated March 8, 2021; and
6. Site plan by Demasi Architects last revised March 18, 2021.

WHEREAS, the Architectural Review Board has also reviewed and examined letters, reports, and memorandum from the Board's consulting Town engineer, Dan Ciarcia PE, and Town Planner Valerie Monastra, AICP including the following:

- a. Memorandum dated February 1, 2021, February 16, 2021 and April 5, 2021 from the Town Planner.

WHEREAS, the Architectural Review Board closed the public hearing on April 7, 2021 and at the same meeting, the Board deliberated in public on the Applicant's request for approval.

Architectural Review Board Determination

NOW FOR IT BE RESOLVED, the Architectural Review Board determines that based upon the findings and reasoning set forth below, the application for Architectural Review Board approval is granted subject to the conditions set forth below.

I. Findings

The Architectural Review Board is familiar with the Subject property and the general vicinity and has reviewed the application in accordance with Chapter 55, Architectural Review Board, of the Town Code.

The Architectural Board has conducted an extensive review of the Applicant's proposal and finds that the Applicant has satisfactorily addressed the criteria for granting Section 55-8 of the Town Code.

In accordance with Section 55-8(A) the Architectural Review Board finds the Application took into account the natural and man-made features of the site and its surroundings, and the character of the zoning district and its peculiar suitability for particular purposes, with a view to conserving existing values and encouraging the most appropriate use of land.

Further the Architectural Review Board finds that the project meets Section 55-8 (B) and the Project:

- a. would be in harmony with the purposes of this chapter,
- b. would not be visually offensive or inappropriate because of the poor quality of exterior design;

- c. would not constitute monotonous similarity or visual discord in relation to the site or its surroundings;
- d. would not mar the appearance of the area, would not be detrimental to the character of the neighborhood; and
- e. would not prevent an appropriate development and utilization of the site and adjacent lands.

II. Approved Plan:

Except as otherwise provided herein, all work shall be performed in strict compliance with the plans submitted to the Architectural Review Board and approved by the Architectural Review Board as follows:

- a. Site plan by Demasi Architects last revised March 18, 2021.

III. General Conditions

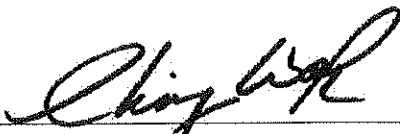
a. Prerequisites to Stamping Final ARB Plan and Issuance of Building Permit:

The following conditions must be met before the Architectural Review Board Plan ("Final ARB Plan") is stamped and a Building Permit is issued:

- i. The Applicant will submit a revised Site Plan based on the March 18, 2021 site plan with the following changes:
 - 1. A note on the site plan that all lighting will face downward.
 - 2. The light located in the back by the fence will be tipped downward.
 - 3. Lights will be installed on the steps.
 - 4. Planters will be installed on the deck for additional screening.
- ii. The Architectural Review Board's approval is conditioned upon the Applicant receiving all approvals required by other governmental approving agencies without material deviation from the Approved Plans.
- iii. If as a condition to approval any changes are required to the Approved Plans, the Applicant shall submit: (i) final plans complying with all requirements and conditions of this Resolution, and (ii) a check list summary indicating how the final plans comply with all requirements of this Resolution. If said final plans comply with all the requirements of this Resolution as determined by the Town Engineer and Town Planner, they shall also be considered "Approved Plans."

- iv. The Applicant shall pay all outstanding consultant review and legal fees in connection with the Architectural Review Board review of this Application.
 - b. Force and Effect: No portion of any approval by the Architectural Review Board shall take effect until (1) all conditions are met, and (2) the Final ARB Plan is stamped by the Building Department.
 - c. Landscaping: All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first and second year of installation. Individual species that do not survive beyond the first and second year shall be replaced at the beginning of the next growing season with another native species suitable for the site conditions.
 - d. Field Changes: Any further modification of the subject premises beyond those approved herein shall be subject to further Board review and approval. The Applicant is subject to all permits, time limits, and applicable fees as set forth in NYS Town Law and the Town Code.
 - e. Commencing Work: No work may be commenced on any portion of the site without first contacting the Building Inspector to ensure that all permits and approvals have been obtained and to establish an inspection schedule.
 - f. Prior to Issuance of Certificate of Occupancy: The Building Inspector shall inform the Board of the Applicant's request for a Certificate of Occupancy and the Board reserves the right to make a field inspection of the site prior to the issuance of said Certificate of Occupancy, and to require any reasonable modifications to site details, which modifications shall be a condition of said Certificate of Occupancy
- IV. Specific Conditions: The following conditions must be met before the Planning Board Chair may sign the approved ARB Plan ("Final ARB Plan"):
- a. A revised site plan that addresses all outstanding comments to the satisfactory to the town planner as outlined in the April 5, 2021 memorandum.

Dated as of April 7, 2021


Chairman

Motion by: Carolyn Stevens
Seconded by: Jim Bossinas

In Favor: All
Opposed: None
Abstaining: None

EXHIBIT F

Town of Ossining (Westchester County, New York)
Application for Planning Board

A copy of this form accompanied by a \$350.00 Filing Fee, Escrow Deposit as outlined on the Town fee schedule, 10 Copies and 1 PDF of an accurate intelligible plan of the property. This must be submitted to the Planning Board Secretary on the specified submission date prior to the regularly scheduled meeting (see Calendar).

I, (We) Abel Magana (Terra Rustica)

Address 550 North State Road

Briarcliff Manor, New York 10510

Phone Number (914) 629-8096 Email Malania0179@hotmail.com

Request a Planning Board Hearing for:

☐ Preliminary Site Plan Review

☐ Architectural Review

☒ Site Plan Approval

☐ Conditional Use Permit

☐ Rezoning Application

☐ Subdivision Approval

☐ Filling and Grading Permit

☐ Wetland Approval


Location of Property 550 North State Road, Briarcliff, NY 10510

Section 90.15 Plate Block 2 Lot(s) 8

Present Zoning GB

Purpose of Hearing: Amended Site Plan approval for proposed deck expansion.

Date: 8/23/2022


Signature of Applicant

Note: The applicant is responsible for complying with all rules and regulations with respect to filing of final subdivision plats with the Westchester County Clerk.

Submission Checklist:

☐ Application Form & Plans (10) & (1) PDF File

☐ Environmental Form (EAF)

☐ Fees, Section 200-51

☐ Property Owner Authorization

EXHIBIT G

Short Environmental Assessment Form

Part 1 - Project Information

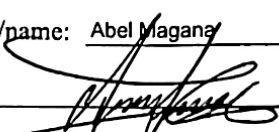
Instructions for Completing

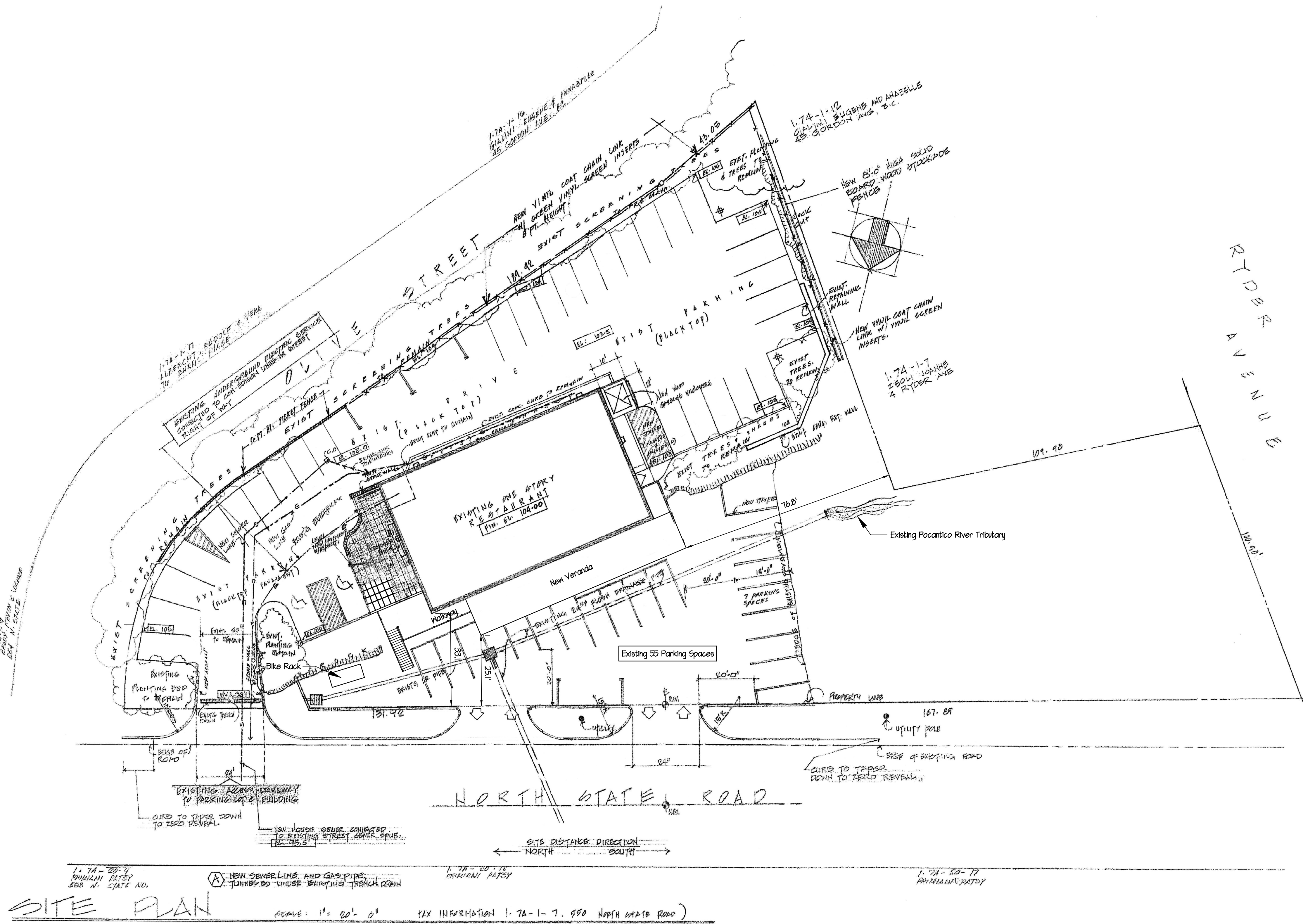
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Terra Rustica			
Project Location (describe, and attach a location map): 550 North State Road, Briarcliff Manor, NY 10510			
Brief Description of Proposed Action: Enclosure of deck.			
Name of Applicant or Sponsor: Abel Magana (Terra Rustica)		Telephone: 914-629-8096 E-Mail: melanie0179@hotmail.com	
Address: 550 North State Road			
City/PO: Briarcliff Manor		State: NY	Zip Code: 10510
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 type="checkbox"/> YES <input checked="" 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 type="checkbox"/> YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 1.1 acres b. Total acreage to be physically disturbed? _____ 0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 1.1 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input 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 checked="" type="checkbox"/> Other(Specify): General Business/Commercial <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	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<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	YES	
	<input checked="" type="checkbox"/>	<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	YES	
	<input type="checkbox"/>	<input checked="" 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, <div style="margin-left: 40px;"> a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? </div> If Yes, briefly describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<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>Abel Magana</u> Date: <u>7/11/22</u> Signature: <u></u> Title: <u>Applicant</u> <u>Owner</u>		



Parking Requirements

Restaurant Indoor Area Size = 3,130 sf

Proposed Veranda Size = 1,053 sf

Outdoor Patio Seating = 24 Seats

Town Of Ossining Zoning Parking Code 220-29

1 for each 3 seats or 1 for each 15 square feet of gross floor area

Required Number Of Spaces	Inside
1 Space Per 15 sf	$3130 / 15 = 41.1 = 42 \text{ Spaces}$
1 Space Per 3 Seats	$88 \text{ Seats} / 3 = 29.3 = 30 \text{ Spaces}$

PROPOSED

Required Number Of Spaces	Veranda
1 Space Per 15 sf	$1053 \text{ (Veranda)} / 15 = 14.04 = 15 \text{ Spaces}$
1 Space Per 3 Seats	$30 \text{ Seats} / 3 = 10 \text{ Spaces}$

Required Number Of Spaces	Outside
1 Space Per 15 sf	$16 \times 20 = 320 / 15 = 4.3 = 5 \text{ Spaces}$
1 Space Per 3 Seats	$24 \text{ Chairs (Patio)} / 3 = 8 \text{ Spaces}$

Number Of Parking Spaces Required: $42 + 15 + 8 = 65$ Total Spaces

65 Required Spaces - 10 (Existing Variance) = 55 Required Spaces

Number Of Parking Spaces Provided: 55 Total Spaces

Occupant Load Calculation At Veranda	
2020 International Building Code: Section 1004; Table 1004.5	
Assembly Unconcentrated (Tables And Chairs) = 15 net	
Proposed Veranda Size = 1,053 sf	
Proposed Veranda Size Minus Path And Egress Ways = 780 sf	
780 sf (Usable Veranda Space) / 15 sf (Per Person) = 52 Max.	
30 Max. Occupant Load Per Per Planning Board Approval	

Zoning Data			
Zone:	GB		
Use:	Single Family Residence		
	Required By Code	Existing	Provided
Lot Area	20,000 sf	41,701 sf	No Change
Lot Width	100'	419'	No Change
Set Backs			
Front	30'	33.1'	25.1' (4.4' Variance Granted 3-15-21)
Side	---	---	---
Side Abutting Residence District	30'	11.2'	16.8'
Rear	---	---	---
Rear Abutting Residence District	30'	N/A	N/A
Building Hgt	2 Stly or 35'	14'-4"	No Change
Building Coverage	30% (14,312 sf)	11.2 % (5,361 sf)	12.1 % (6,046 sf)

Site Plan
Scale: 1" = 20'
Original Site Plan Provided By Owner
Original Site Plan Drawn By:
Croier Gedney Architects
41 Elm Place Rye, NY
Original Site Plan Dated:
July, 1996

DeMasi Architects P.C.

105 SMITH AVENUE, MOUNT KISCO, NEW YORK 10549

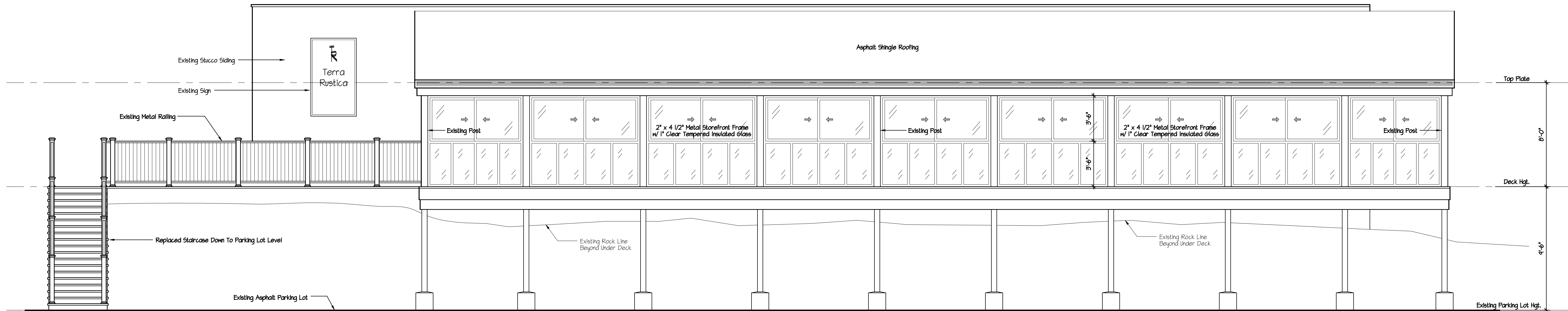
EMAIL: Lou@DemasiArchitects.com

PHONE: (914) 666-3850

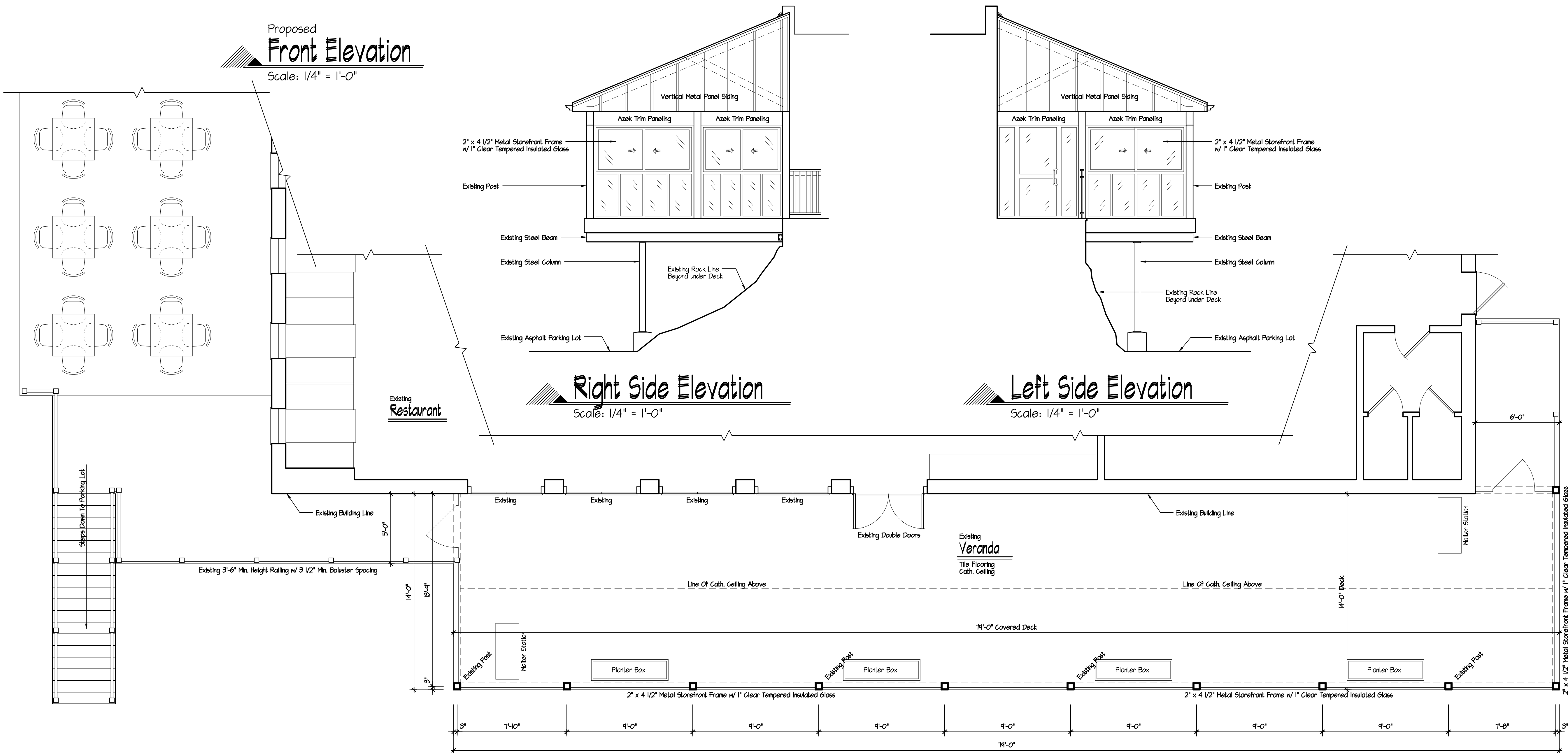
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New Veranda For
550 N. State Road.
Briarcliff Manor, NY.

Revision	Date
Date	July 21, 2022
Job No	221-011
Drawing	01 OF 01



Proposed
Front Elevation
Scale: 1/4" = 1'-0"



Proposed
Veranda Plan
Scale: 1/4" = 1'-0"

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New Veranda For

550 N. State Road.
Briarcliff Manor, NY.

Revision	Date
Date	June 20, 2022
Job No	221-011
Drawing	

A | OF

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