



**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 bldddept@townofossining.com

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FEB 08 2024

Town of Ossining
Building & Planning Department

APPLICATION TO THE ZONING BOARD OF APPEALS

Date 12-30-23

I, ~~WE~~ MICHAEL DEPASQUALE, ARCHITECT Of 438 FIFTH AVE
(Name of Applicant) (Street)

PELHAM NY 10803 914-755-9476 DEPAS4@AOL.COM : HEREBY
(Municipality) (State) (Zip Code) (Phone No.) (Email)

() 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 PROPERTY: 52A OLD ALBANY ROAD
(Street and Number)

SECTION 214-2 BLOCK 87 LOT 1 ZONE S-50 R-5 Zone

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?

Yes _____ No ☒

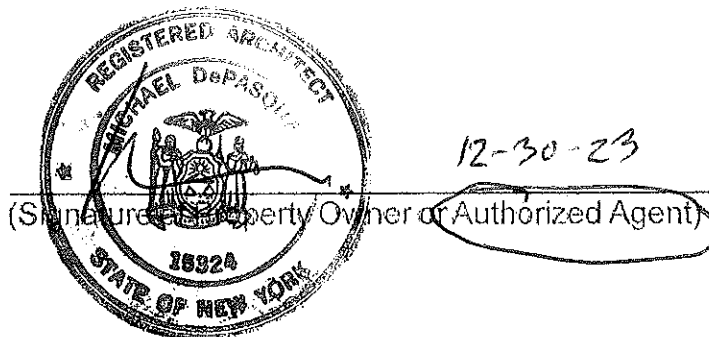
2. PROVISION (S) OF THE ZONING CODE INVOLVED:

Section 200 subsection 25 paragraph D(1)

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.) WE RESPECTFULLY REQUEST A RELIEF AS DESCRIBED IN THE ZONING CODE OF THE TOWN OF OSSINING, UNDER SECTION 200 ATTACHMENT 2 OF THE BULK REQUIREMENTS FOR ONE FAMILY RESIDENCES. LEGALIZATION OF OUTDOOR UNCOVERED PATIO AREAS, BE CONSIDERED A PERMITTED OBSTRUCTION IN THE REQUIRED SIDE YARDS.
4. REASON FOR APPEAL (State precisely grounds on which it is claimed that relief should be granted. Use extra sheet if necessary.) IT IS MY UNDERSTANDING THAT THE OPEN PATIO AREAS ARE CONSIDERED HABITABLE SPACES, AND THEREFORE ARE NOT PERMITTED IN ANY REQUIRED YARDS. WE FULLY RESPECT AND RECOGNIZE THE ZONING CODES REQUIREMENTS, HOWEVER, WE CONSIDER THESE AREAS TO BE PAVED AREAS WITH NO STRUCTURE ERECTED, AND ONLY IMPACTS THE IMPERVIOUS SURFACE REQUIREMENTS.
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.



Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

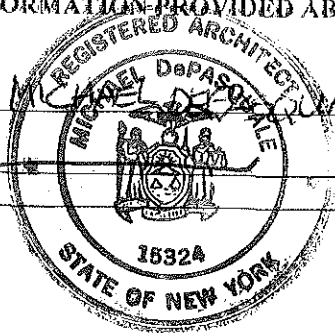
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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 MICHAEL DEPASQUALE, ARCH 438 FIFTH AVE, PELHAM, NY. 10803			
Name of Action or Project: LEGALIZATION OF OUTDOOR UNCOVERED PATIO AREAS FOR ONE FAMILY DWELLING			
Project Location (describe, and attach a location map): 52A OLD ALBANY RD., OSSINING NY.			
Brief Description of Proposed Action: ZONING BOARD OF APPEALS			
Name of Applicant or Sponsor: MICHAEL DEPASQUALE, ARCH		Telephone: 914-755-9476 E-Mail: DEPAS4@AOL.COM	
Address: 438 FIFTH AVE			
City/PO: PELHAM		State: NY	Zip Code: 10803
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 ☐ YES ☒
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 ☐ YES ☒
3. a. Total acreage of the site of the proposed action?		33 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?		33 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (Specify): ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
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?	NO	YES	
	☐	☒	
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: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☒	☐	
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: _____ _____	☒	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☒	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☒	☐	
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	
	☒	☐	
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?	☒	☐	
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	
	☒	☐	
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		
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
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☒	☐
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☒	☐
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
	☒	☐
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
	☒	☐
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
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>MICHAEL DePASQUALE</u> Date: <u>12-30-23</u>		
Signature: <u>[Signature]</u> Title: <u>ARCHITECT</u>		





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BUILDING & PLANNING DEPARTMENT
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Website: www.townofossining.com Email: blpland@townofossining.com

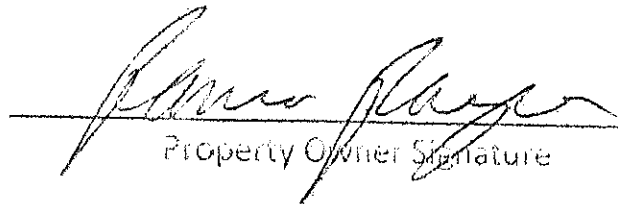
AUTHORIZATION TO SUBMIT APPLICATION

I, Ramon Payano am the owner of the property located at:

52A Old Albany Post Rd Ossining NY 10562

I authorize Michael DePasquale / Robert Watkins to submit

this ☐ Planning Board or ☒ Zoning Board application in my behalf.

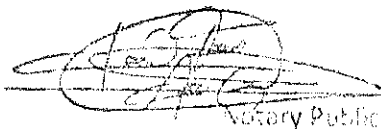

Property Owner Signature

New Jersey

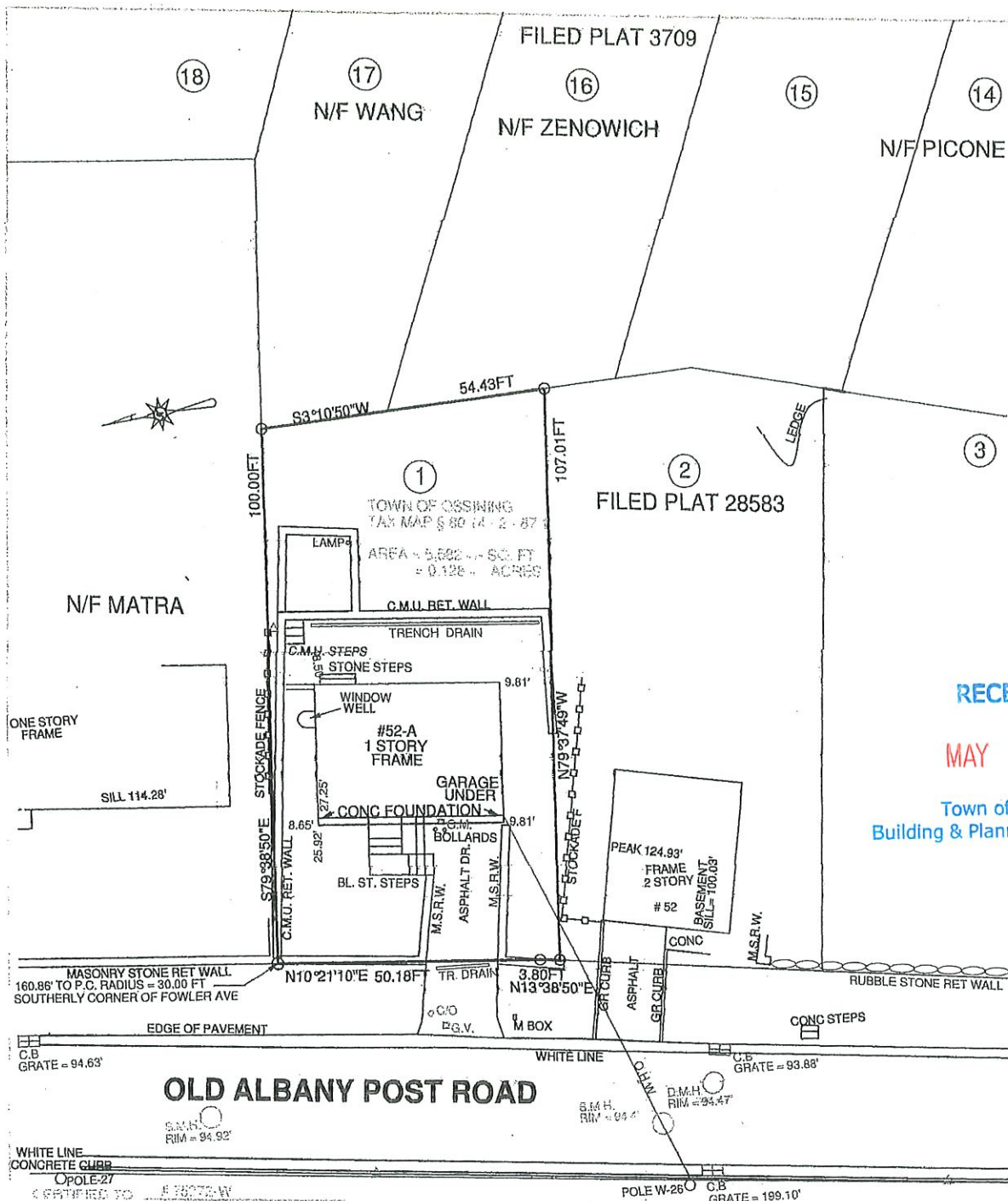
State of ~~New York~~

County of Bergen
~~County of Westchester~~

Subscribed and sworn to before me this 26 day of 12, 2023


Notary Public

Jofrymal Alvarez Guerrero
Notary Public
Commission No. 50117272
My Comm. expires Nov. 22, 2024



RECEIVED

MAY 2 2024

Town of Ossining
Building & Planning Department

WHITE LINE
CONCRETE CURB
POLE 27
CERTIFIED TO A 100' W
PARTNERS ASSOCIATES
SURVEYING & LAND SURVEYING
VERIFIED BY ROBERT MORRIS, C.E.
ITS SUCCESSORS AND ASSIGNS
SURVEYED JULY 30, 2012
BROUGHT TO DATE BY LAND SURVEYING
BROUGHT TO DATE OCTOBER 15, 2013
BROUGHT TO DATE
BY 100' W
RECEIVED JULY 11, 2013 CERTS

MATTHEW A. NOVELLO, P.E., L.S.
CONSULTING ENGINEERING
& LAND SURVEYING
77 HUGHSON ROAD
CARMEL NY 10512
(516) 225-4104
matt@novello.com

By: **MATTHEW A. NOVELLO, P.E., L.S.**
NEW YORK STATE LICENSE NO. 10110
N.Y.S. REGISTRATION EXPIRES APRIL 30, 2014

NOTE
1. This survey was conducted in accordance with the provisions of the New York State Surveying and Mapping Law and Regulations, and the rules and regulations of the State Surveying Board.
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SURVEY OF PROPERTY
PREPARED FOR
& CERTIFIED TO
JOSEPH MORALES
AND
CECILY PABON
SITUATED IN
TOWN OF OSSINING
COUNTY OF WESTCHESTER
STATE OF NEW YORK
SCALE: 1" = 20'