



Steven J. Basini, RA

October 24, 2024

Sal Carrera, Chairman
Zoning Board of Appeals
Town of Ossining
Route 9A – P.O. Box 1166
Ossining, NY 10562

RE: 200 Route 9A – Tomasulo Residence
Accessory Apartment
Section 81.17, Block 1, Lot 30

Dear Chairman and Members of the Board:

On behalf of the owner of the above-referenced property, Paul Tomasulo, I submit this application to request an accessory apartment special permit as well as relief from 2 subsections of the Accessory Apartment Zoning Code.

The property is on the north side of New York State Route 9A approximately 1/4-mile south of Kitchawan Road at the end of a private road known as Forgotten Way. The principal structure is a wood framed 1-story single family residence with a full basement and 2-car attached garage.

The owner proposes to legalize the finished basement and convert it into a 2-bedroom accessory apartment. This action requires the issuance of a special permit from your Honorable Board. All applications, fees and documentation have been submitted to support this request.

As per the Town Code Article V, Section 200-31.2, there are 12 criteria that must be met to issue the special permit. In addition to the special permit, the owner is requesting relief from two of the requirements within the code. Below are the two requirements we are seeking variances for:

Section 200-31.2-B(3) – Architectural Treatment – *it is required that the entrance into the apartment be either at the side or in the rear of the building to maintain the portrayal of a single-family lot.*

This application proposes an entrance on the front of the house on the basement level, separate from the entrance into the principal residence on the main floor.

Due to the grading around the house, the location of the garage and the patio at the rear of the house, there is no other feasible location for the entrance to the apartment but at the front elevation. The intent of the code as mentioned above is to maintain the portrayal of a single-family lot. A single-family lot with a 1 story or 2 story home and an attached garage often has a separate entrance at the basement level near or entering the garage. What is proposed is a single hinged door at the basement level, 1-story below the main entrance and tucked in a corner behind the 12- foot garage bump-out that conceals it from view. It is not out of character for a single-family home to have a separate basement

or garage door on the front elevation in this manner.

Section 200-31.2-B(4) – Floor Area – *the maximum habitable floor area of the apartment shall be 800 sf and shall not exceed 33% of the habitable floor area of the principal building on the lot.*

The accessory apartment is proposed to be 909 square feet in total floor area. As the code prescribes, the maximum habitable floor area shall be 800 square feet. The 2020 Residential Code of NYS defines habitable space under Section R202 as a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet-rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces. The proposed bathroom, laundry room and closet in the apartment total 88 square feet. These spaces should not be considered in the calculation for the maximum habitable floor area. Therefore, the total area of the proposed apartment is 821 square feet or 2 ½% over the allowable.

Utilizing the 2nd part of the criteria for floor area, the apartment shall not exceed 33% of the habitable-floor area of the principal building on the lot. The floor area of the principal dwelling is 3,459 square feet including the basement. The habitable floor area of the principal dwelling is 2,531 square feet. 33% of this area is 835 square feet.

The habitable floor area of the proposed apartment is 14 square feet below this maximum therefore the only relief we are seeking is a 2 ½% area variance on an accessory apartment that exists within the confines of an existing single-family residence and does not add any bulk to the exterior or the house or detriment to the neighborhood.

Please take into consideration the following 5 points when reviewing this request:

(1) Whether an undesirable change will be produced in the character of the neighborhood or whether a detriment to nearby properties will be created by the granting of the variance.

Neither the proposed front entrance nor the overage on apartment habitable floor area will produce an undesirable change or a detriment to nearby properties. The door is not visible from any neighboring properties and is in character with a single-family dwelling. The meager 21 sf overage in floor area is no detriment either.

(2) Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.

There is no other feasible method to enter the apartment but through the front of the house. The grading and location of the garage and patio make it prohibitive. Reducing the size of rooms would lower the floor area however the 2 ½% is not substantial.

(3) Whether the requested variance is substantial.

The requested floor area variance is not substantial, especially considering the explanation above. The door location is in character with the neighborhood and is not substantial either.

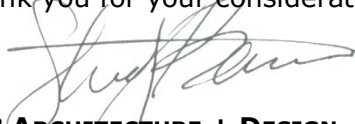
(4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The proposed variance will have no effect or impact on the physical or environmental conditions in the neighborhood or district. Accessory apartments have been introduced into the code for the purpose of providing a means for residents to utilize the extra space in their homes and at the same time provide reasonable accommodation to low- and middle-income families. The extra 21 square feet of habitable space does not impact the environment or the district.

(5) Whether the alleged difficulty was self-created (this will not necessarily preclude the granting of the area variance)

The difficulty is self-created however in the short term, the purpose is to create accommodations for his daughter to reside in his home while maintaining a private lifestyle.

Thank you for your consideration in this matter.



SJB ARCHITECTURE + DESIGN
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