



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

RECEIVED

NOV 3 2025

Town of Ossining
Building & Planning Department

APPLICATION TO THE ZONING BOARD OF APPEALS

Date 11/3/25

I, We Cesar H Poute Of 45 Gordon
(Name of Applicant) (Street)

Town of Ossining NY 10510 : 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: 45 Gordon Ave. (47 & 49 Gordon)
(Street and Number)

SECTION 90.15 BLOCK 2 LOT 29 ZONE R-10
Lot 30

A) Is the Property located within a distance of 500 feet of the boundary of any village, town or county, or any boundary of a State park or parkway?

If yes, specify.

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 A (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.)

Shed is in front yard of separate lot.
The property is a corner lot. There is no
backyard available for shed placement.
Prior owners had pool in same location.

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

No backyard on lot with house. Secondary lot slopes
up and heavily treed in back. Town Road-Olive
Street cuts through property.

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)

Short Environmental Assessment Form

Part 1 - Project Information

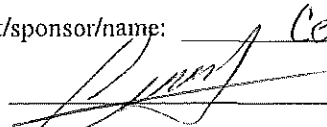
Instructions for Completing

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							
Cesar H. Paute							
Name of Action or Project: Build Shed in front yard							
Project Location (describe, and attach a location map): 45, 47 + 49 Gordon Ave.							
Brief Description of Proposed Action: New Shed on 2nd parcel (vacant lot)							
Name of Applicant or Sponsor: Cesar H. Paute		Telephone:					
		E-Mail:					
Address: 45 Gordon Ave.							
City/PO: Briarcliff Manor (Town of Ossining)		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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">NO</td> <td style="width: 50%;">YES</td> </tr> <tr> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</td> </tr> </table>	NO	YES	☒	☐
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:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">NO</td> <td style="width: 50%;">YES</td> </tr> <tr> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</td> </tr> </table>	NO	YES	☒	☐
NO	YES						
☒	☐						
3. a. Total acreage of the site of the proposed action? 0.10 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? 0.17 + 0.21 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							

		NO	YES	N/A
5. Is the proposed action,				
a. A permitted use under the zoning regulations?		☐	☒	☐
b. Consistent with the adopted comprehensive plan?		☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		☐	☒	
If Yes, identify: _____				
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		☒	☐	
b. Are public transportation 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?		☐	☒	
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? <i>Not Needed for shed</i>		☒	☐	
If No, describe method for providing potable water: _____				
11. Will the proposed action connect to existing wastewater utilities?		☒	☐	
If No, describe method for providing wastewater treatment: _____				
12. a. Does the 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?		☒	☐	
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 <u>local</u> agency?		☐	☒	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____				

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
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>Cesar H. Poute</u> Date: <u>11/3/2025</u>		
Signature: <u></u> Title: <u>Property Owner</u>		

R10 Zone

The shed size is 10 ft. x 12 ft.

It is 14 ft. 6 in. high. It is on 4

cement blocks. The blocks are

filled with concrete. Shed is

10 ft. to Olive Street. It is approx.

15 ft. to 20 ft. to Gordon Avenue.

It is in the center of the location

of where the pool was located.

Certifications on this boundary survey map signify that the map was prepared in accordance with the current existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. The certification is not an expressed or implied warranty or guarantee. It is purely a statement of professional opinion based on knowledge, information and existing field evidence and documentary evidence available. The certification is limited to persons for whom the boundary survey map is prepared, to the title company, to the governmental agency, and to the lending institution listed on this boundary survey map.

Any alteration or addition to this survey is a violation of SECTION 7209 of the NEW YORK STATE EDUCATION LAW, except as per SUBDIVISION 2. All photocopies hereon are valid for this map and copies thereof only if said map or copies bear the filed or impressed seal of the surveyor whose original signature appears hereon.

ANY EASEMENTS AND/OR SUBSURFACE STRUCTURES UNRECORDED ARE NOT GUARANTEED UNLESS PHYSICALLY EVIDENT ON THE PREMISES AT THE TIME OF THE SURVEY

SUBJECT TO COVENANTS, EASEMENTS, RESTRICTIONS, CONDITIONS AND AGREEMENTS RECORDED AND UNRECORDED

UNDERGROUND UTILITIES SHOWN HEREON BASED ON UTILITY EVIDENCE VISIBLE AT GROUND SURFACE AND ARE SUBJECT TO FIELD VERIFICATION BY EXCAVATION

UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES

SUBJECT TO AN UP TO DATE TITLE SEARCH

WETLANDS IF ANY ARE NOT SHOWN

Being Plot "B" and parts of Plots "C" & "D" in Block 17 as shown on a map entitled "Amended Map of part of Block 17" of Bellerose Hills, Town of Oyster Bay, Westchester Co., N.Y." on file in the Westchester County Clerk's Office in Volume 76 of Maps at Page 60.



CERTIFIED ONLY TO:

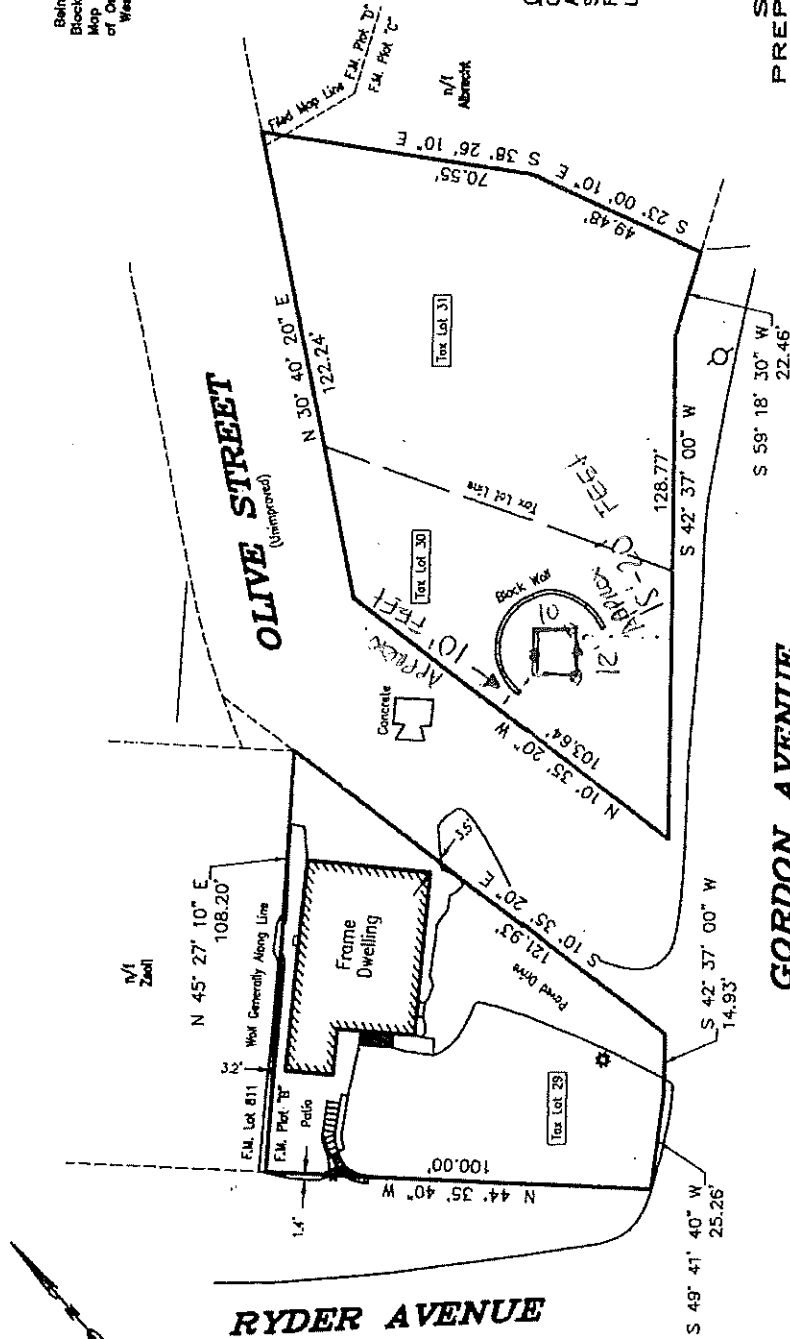
Cesar Poute
Adriana Nivigela
Statewide Abstract Corp.
First American Title Insurance Company
United Wholesale Mortgage ISOM/ATMA

SURVEY
PREPARED FOR
CESAR POUTE

AND

ADRIANA NIVIGELA
TOWN OF OSSINGEN, COUNTY OF WESTCHESTER, STATE OF NEW YORK
TAX LOT: SECTION 90.15 - BLOCK 2 - LOTS 29, 30, & 31
SCALE: 1" = 30'

SURVEY DATE: FEBRUARY 5, 2025
TOTAL AREA: 20,447 SQ. FT.



EDWARD T. GANNON, P.L.S.
CHERRY HILL ROAD - FLORENCE GROVE, NY 10954
egannon@edwardtannon.com

Cesar Poute

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n/f
Zeoli

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Being Plot "B" in Block 17 as shown on a map entitled "Amended Map of part of Block 17 of Bredent Hills, Town of Ossining, Westchester Co., N.Y." as filed in the Westchester County Clerk's Office in Volume 76 of Maps at Page 66.



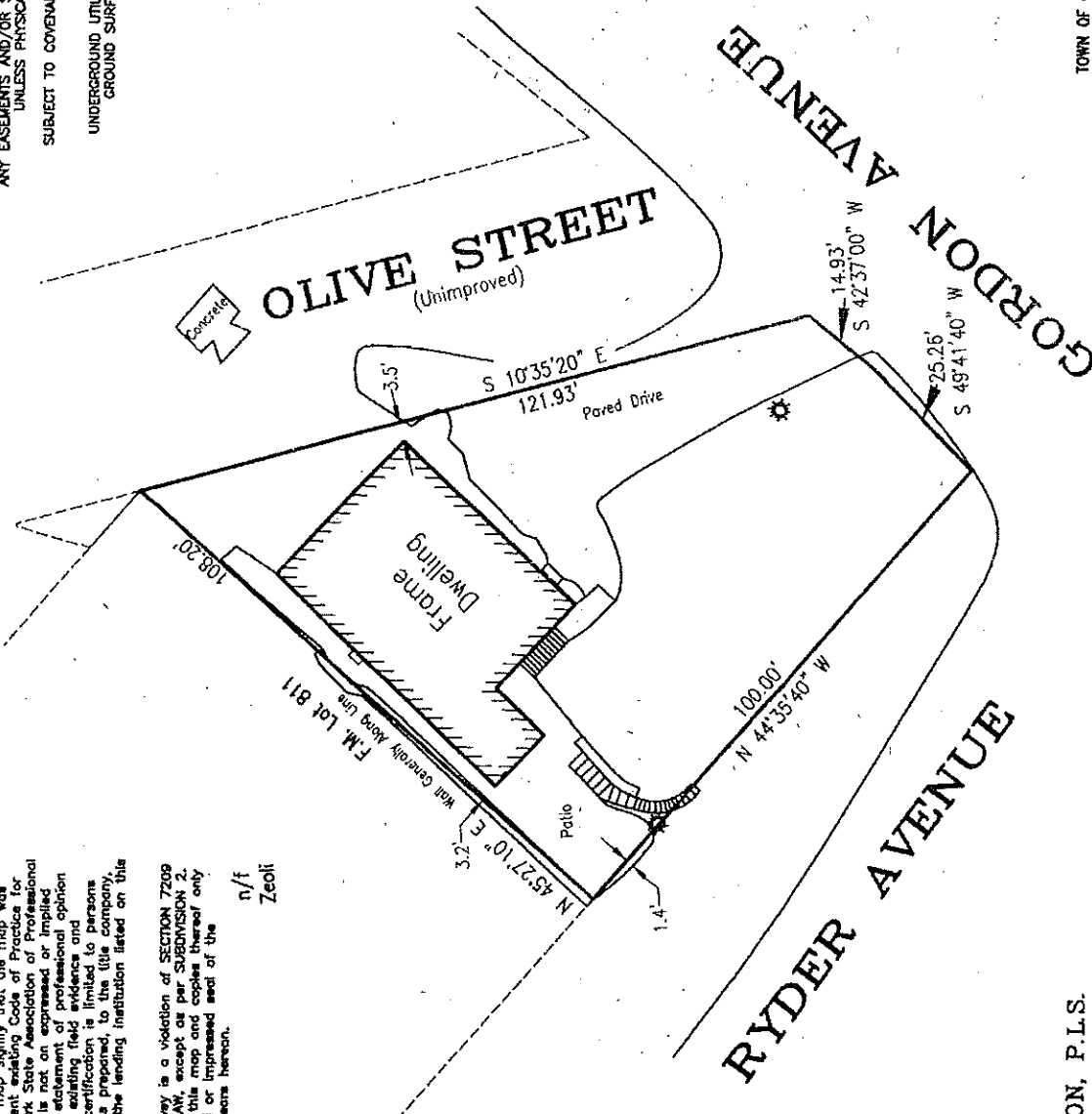
CERTIFIED ONLY TO:

Cesar Paute
Adriana Nivicele
Statewide Abstract Corp.
First American Title Insurance Company
United Wholesale Mortgage IS404/ATMA

SURVEY
PREPARED FOR
CESAR PAUTE
and
ADRIANA NIVICELE

TOWN OF OSSINING, COUNTY OF WESTCHESTER, STATE OF NEW YORK
TAX LOT: SECTION 96.15 - BLOCK 2 - LOT 28

SCALE: 1" = 20'
SURVEY DATE: FEBRUARY 5, 2025
AREA: 7,500 SQ. FT.



EDWARD T. GANNON, P.L.S.
CHERRY HILL ROAD - BLOOMING GROVE, NY 10914
egannon@edwardtannonsurveying.com

425116



45 Gordon Ave.

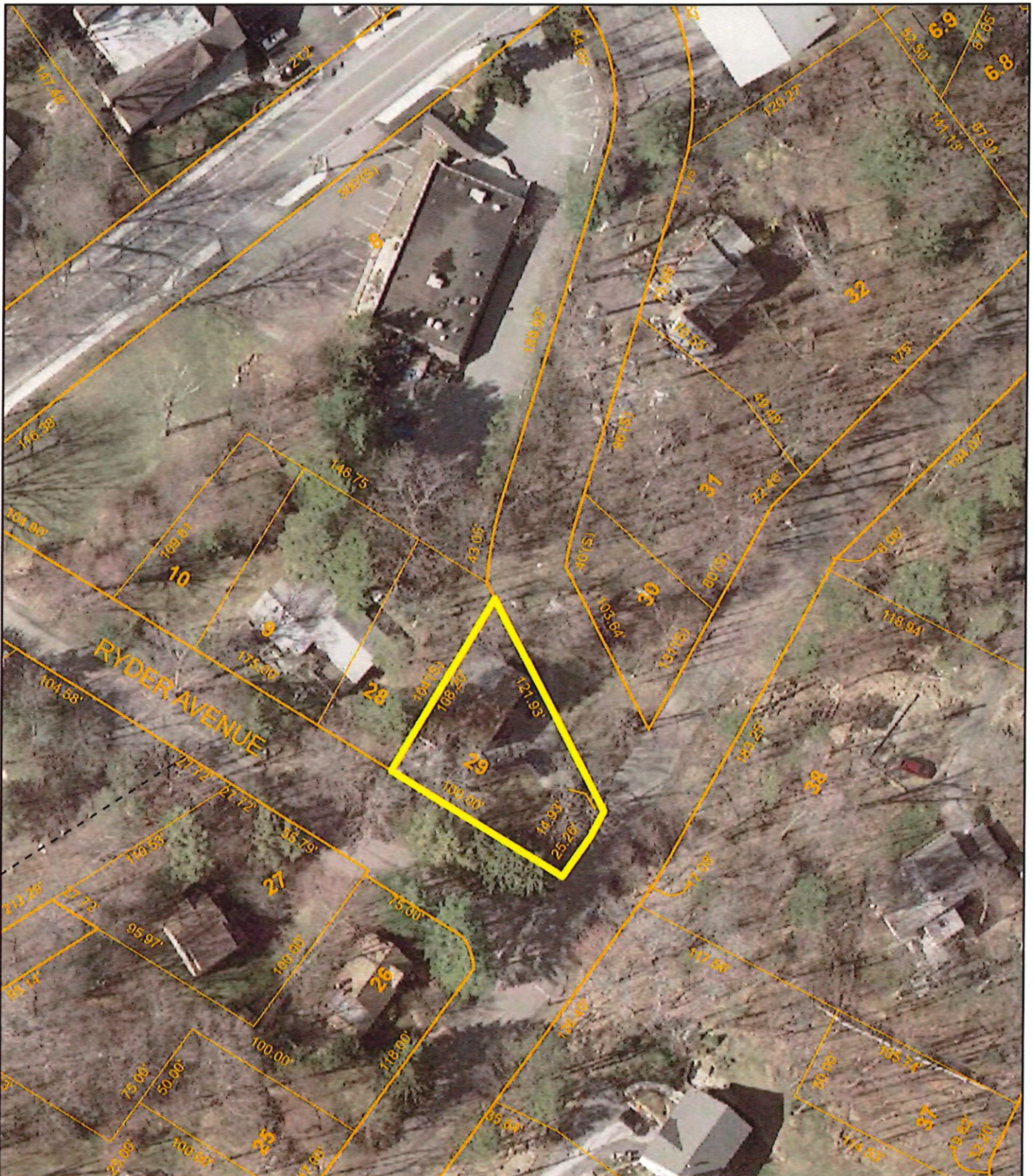
Ossining, NY

1 inch = 71 Feet



www.cai-tech.com

November 5, 2025



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

ZONING

200 Attachment 2

BULK REGULATIONS FOR ONE-FAMILY RESIDENCES IN THE R-40, R-30, R-20, R-20A, R-15, R-10, R-7.5 and R-5 DISTRICTS [Amended 3-9-1993 by L.L. No. 3-1993; 4-12-2011 by L.L. No. 1-2011]

Minimum Requirements	R-40	R-30	R-20	R-20A	R-15	R-10	R-7.5	R-5
Lot areas (square feet)	40,000	30,000	20,000	20,000	15,000	10,000	7,500	5,000
Lot width (feet)	150	125	100	90	90	75	60	50
Lot depth (feet)	150	150	130	130	120	100	100	80
Front yard (feet)	40	35	30	30	30	25	25	25
1 side yard (feet)	20	18	16	16	14	12	10	8
Both side yards (feet)	42	38	34	34	30	26	22	18
Rear yard (feet)	38	36	34	34	32	30	28	26
Liveable floor area per dwelling unit (square feet)	850	850	850	850	850	850	750	750
Maximum Permitted								
Building height								
Stories	2½	2½	2½	2½	2½	2½	2½	2½
Feet	35	35	35	35	35	35	35	35
Building coverage (percent)	18	20	22	22	25	27	30	30

200 Attachment 2:1

08 - 01 - 2011

Town of Ossining, NY
Monday, November 3, 2025

Chapter 200. Zoning

Article V. Supplementary Regulations

§ 200-25. Supplementary regulations applying to all residence districts.

A. Accessory buildings.

- (1) An accessory building may be located in any required side or rear yard, provided that:
 - (a) Such building shall not exceed 15 feet in height.
 - (b) Such buildings shall be set back 10 feet from any lot line.
[Amended 9-16-1969 by Ord. No. 73]
 - (c) All such buildings in the aggregate shall not occupy more than 30% of the area of the required rear or side yard.
- (2) Accessory buildings constructed at the same time may be located in pairs or groups in the required rear or side yard along the common side lot line or rear lot line of contiguous lots.
- (3) An accessory building on that portion of a lot not included in any required yard shall conform with the height regulations for principal buildings.
- (4) No accessory building shall project nearer to the street on which the principal building fronts than such principal building. Should topographic conditions be such that practical difficulties would be caused by this requirement with respect to the location of garages, the Planning Board may authorize the erection of such garages under the following conditions:
[Amended 9-16-1969 by Ord. No. 73]
 - (a) If the natural slope is from 10% to 20% within 25 feet of the street line, the Board may permit a garage not closer than 10 feet to the street line.
 - (b) Where such slope exceeds 20%, a garage may be permitted not closer than five feet to the street line.

B. Corner lots.

- (1) Obstruction to vision at street intersections. At all street intersections in all residence districts, no obstructions to vision exceeding 30 inches in height above curb level shall be erected or maintained on any lot within the triangle formed by the street lines of such lot and a line drawn between points along such street lines 30 feet distant from their point of intersection.
- (2) Rear and side yards. On a corner lot, front yards are required on both street frontages, and one yard other than the front yards shall be deemed to be a rear yard and the other, or others, side yards.

C. Exceptions to lot depth requirements. The required lot depth at any point may be decreased by 25% if the average lot depth conforms with the minimum requirement.

D. Exceptions to yard requirements.

- (1) Permitted obstructions. Cornices or cantilevered roofs may project not more than three feet into a required yard. Belt courses, window sills and other ornamental features may project not more than six inches into a required yard. Fences or walls over 6 1/2 feet in height may not be erected in front, rear or side yards. Fences or walls with a height in excess of 6 1/2 feet shall conform to the requirements set forth herein for buildings. Paved areas (other than such as are needed for access to the buildings on the lot) shall not project within 15 feet of a street line or four feet of lot lines. All fences shall be installed with the more attractive side facing neighboring properties.

[Amended 9-16-1969 by Ord. No. 73; 4-12-2011 by L.L. No. 6-2011]

- (2) Entries and porticos. A roofed-over but unenclosed projection in the nature of an entry or portico, not more than eight feet wide and extending not more than six feet out from the front wall of the building, shall be exempt from front yard requirements when the building otherwise complies with all other yard restrictions of this chapter.

- (3) Existing setback. No proposed one- or two-family dwelling need have a setback greater than the average setback of the existing dwellings within 200 feet of each side of the said proposed dwelling.

[Amended 9-16-1969 by Ord. No. 73]

- (4) Front yards on narrow streets. On streets with less than a fifty-foot right-of-way, the front yard setback shall be measured from the center line of the existing street, and 25 feet shall be added to the front yard setback.

- E. Existing small lots. A lot owned individually and separately, and separated in ownership from any adjoining tracts of land on the effective date of this chapter, which has a total lot area or lot width less than prescribed in this chapter, may be used for a one-family residence, provided that such lot shall be developed in conformity with all applicable district regulations other than the minimum lot area, lot width and side yards.

[Amended 9-16-1969 by Ord. No. 73]

- F. Uniformity of design. In order to avoid monotony of architectural design, no building permit shall be issued for the erection of a home if it is substantially like any neighboring building which is existing or for which a building permit has been issued or is being concurrently considered.

[Amended 9-16-1969 by Ord. No. 73]

- (1) A building shall be considered neighboring if it fronts on the same street as the building being considered and which is the first or second house along the street in either direction or which faces the building site being considered from across the street.

- (2) In considering those items listed in Subsection **F(3)**, buildings shall be considered substantially alike in any dimension for which they differ by less than two feet, except 20 feet for setback differences. Buildings between which the only difference in relative location of elements is end-to-end or side-to-side reversal shall be deemed to be alike in related location of such elements.

- (3) Buildings shall be considered substantially alike unless they differ in at least three of the following respects or dimensions:

- (a) Setback from the street.

- (b) Relation of a garage visible from the street to the main structure.

- (c) Length of the main roof ridge.

- (d) Height of the roof ridge above the first-floor elevation.

- (e) Width measured perpendicular to the main roof ridge if the building has a gable extending from the main roof visible from the street.

(f) Relationship to each other of either windows, doors, chimney or any porch in the front elevation.

(4) The Planning Board may waive or vary any requirement of this subsection where the layout of the neighborhood, road pattern, topography, natural features, views and the siting of individual structures is such as to avoid monotony of appearance despite similarity of buildings.

G. Portable storage unit. A maximum of one portable storage unit may be placed on any residentially used or zoned lot for a period not exceeding nine months during any twelve-month period if the property owner possesses a valid building permit, or for a period not exceeding three months during any twelve-month period otherwise. Said storage unit shall only be placed on a driveway or in a parking area, and not on lawns or other vegetated areas.

[Added 4-12-2011 by L.L. No. 6-2011]



TOWN OF OSSINING
16 Croton Ave
Ossining, NY 10562
(914) 762-6000

PROPERTY DATA CARD (Online)

Location: 45 GORDON AVE

Parcel ID: 90.15-2-29

Class: 215 - One Family Res w/ Accessory Apt

Location

AYAVACA, CESAR H P
NIVICELA, ADRIANA
45 GORDON AVE
OSSINING, 10562

General Information

Living Units 2
Neighborhood 10 - Ryder Rd./M Kno
School Name OSSINING CENTRAL
Former SBL
Additional Lots
Zoning Single Family
Roll Section Taxable
SWIS Code OSSINING
UNINCORPORATED

Special Districts

AD001 - Ambulance District
BMFP1 - Briarcliff Fire Prot
CW002 - County Solid Waste
SD069 - FA 4 SPRAIN VLY HGPT
TD001 - Refuse, Light, Fire
WD100 - Town-wide Water Dist

Land Information

Assessment Information

Total Acres: 0.17	Land 280,500	Building 309,500	Total 590,000	Yr 25
Square Feet: 7,405				

Property Notes

Assessment History (based on prior year assessment)

Exemptions

County	Town	School	Star
0	0	0	0

Total \$572,500

90.15-2-29 11/24/2024



Recent Sales/Ownership History

Date	Price	Sale Type	Validity	Reference #	Type
3/20/2025	\$550,000	LAND & BUILDING	Assessor Valid	65065/3285	B

11/3/2025