



January 15, 2025

Mr. Salvatore Carrera, Chairman
Zoning Board of Appeals
Town of Ossining
101 Route 9A
Ossining, New York 10562

**Re: 95 Croton Dam Road, Ossining, NY
(S/B/L: 81.17 – 1 – 5, Zoning District: “R-15”)**

Dear Mr. Carrera and Honorable Members of the Zoning Board

As it relates to this project, we appear before the Board this evening on behalf of our Client, Mr. Antonio DaCruz, seeking approval for the repair and renovation of the existing detached Garage currently on the property. The proposed repair/renovation needed is a result of the falling of a tree on to the structure in a recent storm.

As part of the proposed renovation and included as part of the work will be the creation of additional Bedroom at the 2nd floor with access to a roof deck, and to the existing residential area above the existing Garage. There will NOT be any additional lavatories added to the proposes area of work.

The proposed conversion is in compliance with Chapter 200. Zoning -Article V. Supplementary Regulations - §200-31.2 Accessory apartments on single-family lots Zoning requirements. Please note the following.

§ 200-31.2. Accessory apartments on single-family lots.

(1) Location. An accessory apartment shall be located only in that portion of a building for which there has been a valid certificate of occupancy in place for at least two years prior to the application for an accessory apartment special permit or where there is proof, as determined by the Building Inspector, that said portion of the building was built prior to the requirement for a certificate of occupancy.

As per the location, the proposed Accessory apartment will occupy an existing liveable area above an the garage, its occupancy precedes current ownership (April 9, 2021)

(2) Size of lot. The lot on which the accessory apartment is proposed shall be no less than the size required by the zoning district in which it is located.

The lot size is 54,606 Sq.Ft. in an R-15 single family Zoning District (15,000 Sq. Ft. is the minimum requirement).

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(3) Architectural treatment. The architectural treatment of the structures on the lot shall be such as to portray the character of a single-family lot. Only one main entrance will be permitted on the front side of the principal building; all other entrances shall be at the side or in the rear of the building(s). In addition, no more than one meter for each utility provided to the lot (i.e., gas, water, etc.) shall be permitted. Notwithstanding the above, if an accessory apartment is located in an accessory building on the lot, said accessory apartment may have its own metering.

There is no proposed change to the access to the space, which will be used as an accessory apartment. It has an independence entrance and it has its own utility meter.

(4) Floor area. The habitable floor area of the accessory apartment shall be a minimum of 300 square feet and a maximum of 800 square feet, and the area of the accessory apartment shall also not exceed 33% of the habitable floor area of the principal building on the lot.

Proposed area of apartment is 720 Sq. Ft.

Principal building area is 2,473 Sq.Ft. Proposed accessory apartment size is equal to less than 33% of main building.

(5) Bedrooms and occupancy. There shall be a maximum of two bedrooms in the accessory apartment in a single-family home. An accessory apartment in a detached accessory building shall be limited to an efficiency or studio housing unit, as defined in this chapter, and shall be limited to a maximum of two occupants.

There is one bedroom proposed in the accessory apartment.

(6) Parking. Adequate off-street parking spaces in accordance with § 200-29 of this chapter shall be provided to prevent the parking in public streets of vehicles of any persons residing in the accessory apartment

Four (4) parking spaces are provided. See Site Plan (S-100)

(7) Ownership. Either the main dwelling or the accessory apartment must be owner-occupied as the owner's primary residence. The owner shall not rent out the owner's dwelling unit.

The main building is owner occupied since April 9, 2021.

(8) Number of accessory apartments per lot. There shall be no more than one accessory apartment nor more than a total of two dwelling units permitted per lot.

One (1) accessory apartment is proposed.

(9) Permits. A building permit shall be obtained as otherwise required, and a certificate of occupancy must be issued prior to utilization of an accessory apartment. No permit shall be issued until the Building Inspector, Town Engineer and/or the Westchester County Department of Health, whichever is appropriate, has issued written approval indicating that all applicable

health, fire, building and safety requirements, including those relating to adequate sewage disposal capacity, have been met.

Submitted

(10) *Renewal permit.* Prior to the issuance of any renewal permit, the Building Inspector, or his designee, shall inspect all areas of the building housing the accessory apartment to determine that there is compliance with all applicable laws, rules and regulations. No renewal permit shall be issued until the Building Inspector, or his designee, determines that there is full compliance with said laws, rules and regulations.

Noted

(11) *Garage space.* Garage space may not be used for an accessory apartment unless the required parking on the lot can otherwise be provided.

Garage space will be maintained. See Site Plan for parking requirements.

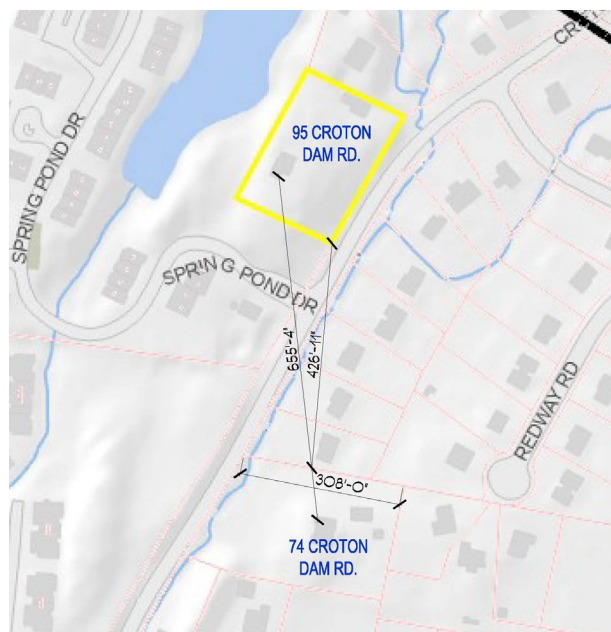
(12) *Minimum term of rental.* The rental term of an accessory apartment shall be for at least three months.

Noted

Please also note that.

The use will not restrict the use of adjacent properties. **No site changes are proposed.** The use and the traffic generated by the use will not adversely affect the character of the neighborhood. **No site changes are proposed. And the use will not endanger the health, safety or general welfare of the neighborhood or the community.**

The closest approved accessory apartment within the 500 feet radius from the property of the lot containing the proposed accessory apartment. is at 74 Croton Dam Road. There is only one accessory apartment within the 500 ft radius.





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Please accept our thanks and appreciate in advance for your time and consideration. As always, should you or the Board Members have any additional questions or comments, please feel free to contact our office at your earliest convenience.

Sincerely,

Jorge B. Hernandez, R.A., A.I.A.
President

cc: Job File No. 24-179