

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, January 9, 2014, at 8:00 p.m., in the Court Room of the Municipal Building.

Members Present

Mark I. Fisher, Chairman
Paul Katz
Ernest Fiore
Steven Lowenthal
William Harold

Members Absent

Michael Strone
Paul Valentine

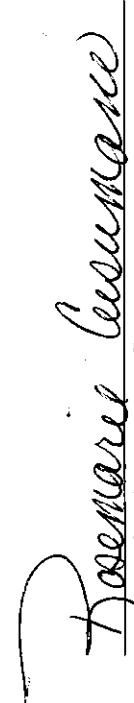
The Chairman called the meeting to order at 8:00 p.m.

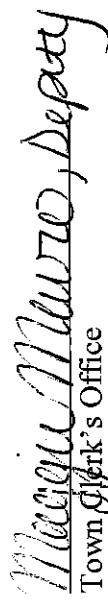
<u>Cal. #</u>	<u>Applicant</u>	<u>Block</u>	<u>Lot</u>	<u>Decision</u>
Z13-006	Vasilios Skamangas	223	39	Heard – Adjourned to the February Meeting
Z13-026	Michaelangelo Iannacchino	1031	1	Not Heard – Adjourned to The February Meeting
Z13-032	Robert Luiso	281	10	Heard – Closed – Reopened – Adjourned to the February Meeting
Z13-033	Anthony Ciardullo	421	25	Variance Granted
Z14-001	Sally & Steve Paridis	951	11	Not Heard – Adjourned to The February Meeting
Z14-002	George Roggiere	755	28	Heard – Closed – Findings being prepared
Z14-003	Joseph & Monica Minniti	244	18	Heard – Closed – Findings being prepared

RECEIVED
 JAN 13 2014
 TOWN OF
 WESTPORT
 AND
 09

The next meeting was scheduled to February 13, 2014.

There being no further business to come before the Board, on a Motion duly made and seconded, the meeting was declared adjourned.


 Rosemarie Cusumano, Secretary


 Deputy Town Clerk's Office

THE FORMAL RECORD OF THE ABOVE PROCEEDINGS ARE THE TAPES THEREOF.

**BOARD OF ZONING APPEALS
TOWN/VILLAGE OF HARRISON, NEW YORK**

Calendar No. Z13-033

Date: January 9, 2014

Property Owner: Anthony Ciardullo

Property Address: 104 Condit Street
Harrison, New York 10528

Block 421 Lot 25

WHEREAS, the applicant, the property owner, applied for a Building Permit and that application was denied by a determination of Harrison's Building Inspector (the administrative official charged with the enforcement of Harrison's Town Code, Chapter 235 (Zoning)) that the application did not strictly comply with the Code's requirements;

WHEREAS, Anthony Ciardullo filed an application on November 17, 2013, for an area variance from the Zoning Ordinance. This property is located in a B Zoning District and pursuant to §235-(9)(B) of the Table of Dimensional Regulations of the Town/Village of Harrison Zoning Ordinance the minimum required rear yard setback is 25 feet. The proposed deck extension will reduce the rear yard setback to 17 feet thus requiring a variance of 8 feet.

and;

WHEREAS, a Public Hearing on this application was duly scheduled and held by the Board of Zoning Appeals, at the Municipal Building, 1 Heineman Place, Harrison, New York, at 8:00 p.m. on December 12, 2013, after due notice and publication pursuant to Town Law 267-a(7), at which the following members were either present or indicated that they had listened to tapes of the meeting: Mark Fisher, Ernest Fiore, Paul Katz, Michael Strone, Steven Lowenthal, William Harold, and Paul Valentine.

WHEREAS, Board Members had inspected the site; and

WHEREAS, at said Hearing, the applicant appeared in support of the variance; all those who desired to be heard were heard and the Board reviewed the documents submitted to it; and

WHEREAS, the Board reviewed all testimony and documents submitted and have carefully considered:

- (A) the benefits to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of neighborhood or community by such grant;
- (B) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;

Z13-033
Ciardullo
1/9/14

- (C) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
- (D) whether the requested variance is substantial;
- (E) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
- (F) whether the alleged difficulty was self-created.

WHEREUPON, the Board found after due deliberation based upon the testimony and documents submitted and its site visit pursuant to town law, Section 267-a and 267-b and Harrison Town Code Section 235-56, et seq., it has jurisdiction to consider the requested variances.

The Board found that:

1. Applicant proposed to construct the deck and the adjoining staircase in order to provide access to the rear yard. At present there is no such access.
2. The deck will be screened from view of the property which backs up on the rear yard by a fence and a shed located on the adjacent property.
3. There would be no apparent detriment to the surrounding properties or to the neighborhood.
4. There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED that the application for a variance to permit a new deck to be located 17 feet from the property line as indicated in the plans submitted with this application be, and the same is hereby granted subject to the following conditions:

Except as specifically set forth above, nothing herein shall be construed to indicate this Board's approval of any architectural, design, or structural elements of the submitted plan.

This variance shall lapse unless construction begins within one year from the date this variance is recorded in the Clerk's Office and is completed no more than two years from said date.

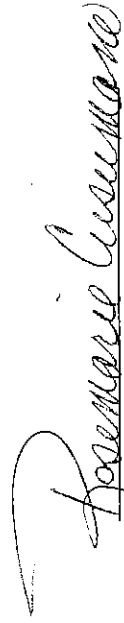
Construction shall be deemed to have begun when all required footings and foundations have been completed, or when actual work of a substantial nature has begun on projects that do not require footings or foundations. Site preparation shall not satisfy the terms of this condition. Construction shall be deemed to have been completed when the Building Department has issued a Certificate of Occupancy.


An application for an extension of these periods may be granted by the Board of Zoning Appeals if good cause is shown by the applicant and, if in the Board's judgment, the facts and circumstances which existed at the time of the original application have not materially changed.

Z13-033
Ciarullo
1/9/14

Foregoing Resolution submitted by Ernest Fiore, seconded by Steve Lowenthal at the meeting on January 9, 2014.

ADOPTED: AYES: Mark Fisher, Ernest Fiore, Paul Katz, Steven Lowenthal, and William Harold
NAYS: None
ABSTAINED: None
ABSENT: Michael Strone, Paul Valentine


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

THIS IS NOT A BUILDING PERMIT. A Building Permit must be obtained from the Building Inspector before any work is started. Other permits or approvals may also be required before work starts. If you have any questions, please call the Building Department at (914) 670-3054, 670-3055 or 670-3056.

RECEIVED
2014 JAN 24 AM 9:00
MARRISONVILLE
TOWN CLERK

Z13-033
Cierdullo
1/9/14