

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, March 13, 2014, at 8:00 p.m., in the Court Room of the Municipal Building.

Members Present

Michael Strone, Acting Chairman
Paul Katz
Ernest Fiore
Steven Lowenthal
Paul Valentine

Members Absent

Mark I. Fisher, Chairman
William Harold

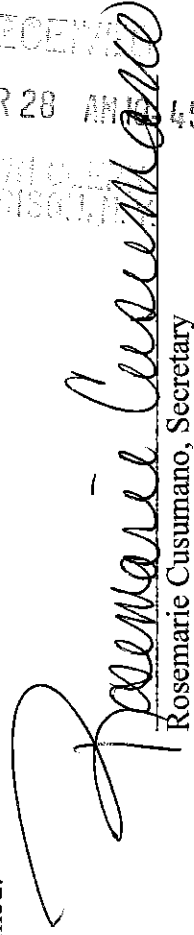
The Chairman called the meeting to order at 8:00 p.m.

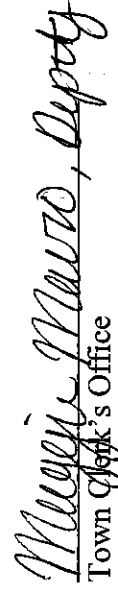
<u>Cal. #</u>	<u>Applicant</u>	<u>Block</u>	<u>Lot</u>	<u>Decision</u>
Z13-006	Vasilios Skamangas	223	39	Heard – Adjourned to the April Meeting
Z13-026	Michaelangelo Iannacchino	1031	1	Not Heard – Adjourned to The April Meeting
Z13-032	Robert Luiso	281	10	Heard – Closed – Findings being prepared
Z14-001	Sally & Steve Paridis	951	11	Heard – Adjourned to the April Meeting
Z14-002	George Roggiero	755	28	Variance Granted
Z14-003	Joseph & Monica Minniti	244	18	Variance Granted
Z14-004	249 Halstead Avenue Properties	131	20, 21-23, 53, 54	Heard – Closed – Findings being prepared
Z14-005	550 Halstead Ave Multi-Family	92	15	Heard – Adjourned to the April Meeting
Z14-006	WestMed Parking Attendant Booth	692	1	Heard – Closed – Findings being prepared
Z14-007	Westchester Ave Associates, LLC	602	2	Heard – Extension Granted

The next meeting was scheduled to April 10, 2014.

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

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 TOWN OF WESTCHESTER


 Rosemarie Cusumano, Secretary


 Maggie Navarro, Deputy
 Town Clerk's Office

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

Calendar No. Z14-002

Date: March 13, 2014

Property Owner: George Roggiero

Property Address: 81 White Plains Avenue

Block 755 Lot 28

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; and

WHEREAS, George Roggiero filed an application for a variance to allow construction of a front entry addition at the above referenced property. The property is located in an R75 Zoning District. The house is existing non-conforming with a front yard setback of 29.97 feet and, pursuant to 235-9B of the Zoning Ordinance, the minimum front yard setback is 30 feet. The proposed front yard entry addition increases the existing non-conformity by reducing the front yard setback to 26.46 feet and thus requires a variance of 3.54 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 January 9, 2014 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present: William Harold, Steven Lowenthal, Paul Katz, Ernest Fiore, and Mark Fisher; and

WHEREAS, the Board reviewed the Short Environmental Assessment Form submitted by the applicant, declared itself to be Lead Agency within the meaning of New York State Environmental Quality Review Act, Environmental Conservation Law, Article 8, §§8-0101 et seq., and the regulations there under, 6 N.Y.C.R.R. Part 617, and determined that the action was a Type II Action for which no Environmental Impact Statement was required; and

WHEREAS, Board Members had inspected the site; and

WHEREAS, at said Hearing, the applicant appeared in support of the variance and no one appeared in opposition. 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:

Z14-002
Roggiero
3/13/14

- (A) The benefits to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the 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;
- (C) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than a 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 §§267-a and 267-b and Harrison Town Code §§235-56 et seq., it has jurisdiction to grant the requested variance and that the variance sought was the minimum variance necessary and adequate and at the same time preserved and protected the character of the neighborhood and the health, safety and welfare of the community.

The Board found that:

- A) From a visual standpoint the addition is in line with other properties in the immediate area.
- B) The addition would not produce a detriment to the neighborhood.
- C) There were no objections from neighbors.
- D) The incursion into the front yard setback is of a de minimis nature and will not change the character of the neighborhood.

NOW THEREFORE BE IT RESOLVED, that the application for permission to allow the front yard entry addition as indicated in the plans submitted with this application be, and the same is hereby granted;

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 plans.

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.

Z14-002
Roggiero
3/13/14

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.


Forgoing Resolution submitted by Steven Lowenthal, seconded by Paul Valentine at the 3/13/2014 meeting.

ADOPTED: AYES: Michael Strone, Acting Chairman, Ernest Fiore, Paul Katz, Steven Lowenthal and Paul Valentine

NAYS: None

ABSTAINED: None

ABSENT: Mark Fisher, William Harold


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.

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Z14-002
Roggiero
3/13/14

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

Calendar No. Z14-003

Date: March 13, 2014

Property Owner: Joseph & Monica Minniti

Property Address: 9 Bruce Ave.

Block 244 Lot 18.

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; and

WHEREAS, Joseph & Monica Minniti filed an application for a variance for permission to allow a 2nd floor addition at the above referenced property. The property is located in an R75 Zoning District and, pursuant to 235-9B of the Zoning Ordinance, the minimum side yard setback is 10' for each side and a total of 20' for both sides. Also, the maximum allowable lot coverage is 20%. The proposed 2nd floor addition reduces the side yard setback to 5.57' thus requiring a variance of 4.43'; reduces the total of both side yards to 14.21' thus requiring a variance of 5.79'; and increases the lot coverage to 26.55% thus requiring a variance of 6.55%; 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 January 9, 2014 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present: William Harold, Steven Lowenthal, Paul Katz, Ernest Fiore, and Mark Fisher; and

WHEREAS, the Board reviewed the Short Environmental Assessment Form submitted by the applicant, declared itself to be Lead Agency within the meaning of New York State Environmental Quality Review Act, Environmental Conservation Law, Article 8, §§8-0101 et seq., and the regulations there under, 6 N.Y.C.R.R. Part 617, and determined that the action was a Type II Action for which no Environmental Impact Statement was required; and

WHEREAS, Board Members had inspected the site; and

WHEREAS, at said Hearing, the applicant appeared in support of the variance and no one appeared in opposition. 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:

Z14-003
Minniti
3/13/14

- (A) The benefits to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the 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;
- (C) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than a 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 §§267-a and 267-b and Harrison Town Code §§235-56 et seq., it has jurisdiction to grant the requested variance and that the variance sought was the minimum variance necessary and adequate and at the same time preserved and protected the character of the neighborhood and the health, safety and welfare of the community.

The Board found that:

- A) The rear corner addition is in line with the existing side of the house.
- B) The addition would not produce a detriment to the neighborhood
- C) There were no objections from neighbors.
- D) The property is located on a dead end street located across from the Harrison Library. There are only 4 houses located on the street and the proposed addition will not change the character of the neighborhood.

NOW THEREFORE BE IT RESOLVED, that the application for permission to allow the addition to the 2nd floor as indicated in the plans submitted with this application be, and the same is hereby granted;

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 plans.

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.

Z114-003
Minniti
3/13/14

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.

Foregoing Resolution submitted by Ernest Fiore, seconded by Steven Lowenthal at the 3/13/2014 meeting.

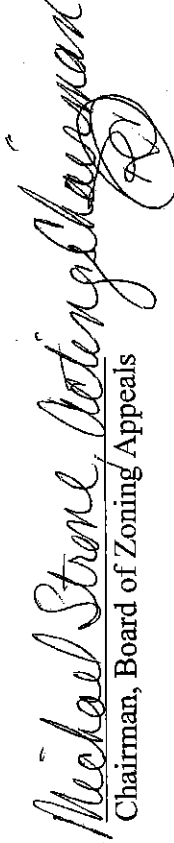
ADOPTED: AYES: Michael Strone, Acting Chairman, Ernest Fiore, Paul Katz,
Steven Lowenthal and Paul Valentine

NAYS: None

ABSTAINED: None

ABSENT: Mark Fisher, William Harold


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

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Z14-003
Minutes
3/13/14