

Zoning Board of Appeals

Town of North Castle
17 Bedford Road - Town Hall Annex
Armonk, New York 10504

RESOLUTION OF APPROVAL FOR AREA VARIANCE

ZONING BOARD OF APPEALS
TOWN OF NORTH CASTLE

-----X
In the matter of the Application

of
ALFREDO MAIORANO

-----X

WHEREAS, applicant, ALFREDO MAIORANO
owner of property located on 731 NORTH BROADWAY, NORTH WHITE PLAINS, NY
and known on the Tax Assessment map of the Town of North Castle as
Section 7 , Block 2 , Lot 14 , has applied for
the following variance(s) from the provisions of the Zoning Code of the
Town of North Castle: (THE APPLICANT IS REQUESTING AN AREA VARIANCE FOR
PARKING AND FLOOR AREA RATIO (FAR))

SECTION 213.45: CB ZONE -REQUIRED OFF-STREET PARKING FOR OFFICE USE IS
1-SPACE FOR EACH 250 SQ.FT. OF GROSS FLOOR AREA & 1-SPACE FOR EACH 200
SQ.FT. FOR RETAIL USE; and FAR (floor area ratio) PERMITTED IS .4;

SECTION 213.65B4: A VARIANCE SHALL EXPIRE IF WORK IS NOT INITIATED
PURSUANT THERETO WITHIN TWO(2) YEARS, UNLESS A BUILDING PERMIT OR
CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED FOR THE VARIANCE.

WHEREAS, prior to the hearing, members of the Board of Appeals con-
ducted an inspection of the premises and surrounding neighborhood; and

WHEREAS, on MAY 5TH, 2005, the Board conducted a duly noticed
public hearing on the application (which was adjourned to and
continued on -----which time all
interested parties had the opportunity to be heard; and

RESOLUTION OF APPROVAL; Area Variance

WHEREAS, the applicant has submitted proof of proper notice to nearby property owners required to receive notice thereof:

NOW, THEREFORE, the Board of Appeals makes the following findings:

1. The requested activity is a Type 2 action under the State Environmental Quality Review Act.
2. That the variation *IS SUBSTANTIAL* in relation to the requirements for setbacks BUT it is ameliorated by other aspects.
3. That the effect of any increased population density which may thus be produced upon available services and facilities is not significant.
4. That a substantial change in the character of the neighborhood or a substantial detriment to adjoining properties will not be created
5. That the difficulty cannot be alleviated by some other method, feasible
6. That, in view of the manner in which the difficulty arose and considering all of the above factors, the interests of justice will be served by allowing the variance.
7. That the variance would not cause adverse aesthetic, environmental or ecological impacts on the property or on surrounding areas.

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RESOLUTION OF APPROVAL; Area Variance

NOW, THEREFORE, BE IT RESOLVED, that the application for relief by the grant of a variance from the requirements of the Zoning Code of the Town of North Castle is(are) hereby granted: TO ALLOW THE CONSTRUCTION OF A NEW COMMERCIAL BUILDING HAVING INSUFFICIENT OFF-STREET PARKING OF 20 SPACES(a deficiency 18 SPACES) AND FLOOR AREA RATIO OF .47(deficiency of .07).

THIS VARIANCE IS SUBJECT TO THE FOLLOWING CONDITIONS

1. THE REAR-YARD & SLOPE BE RESTORED TO A GRADE OF NOT MORE THAN 50% THAT EXTENDS & REACHES THE EXISTING CREST OF THE CUT, IF ACCEPTABLE TO THE TOWN ENGINEER, THE TOWN ENGINEER HAVING TO APPROVE ANY SUCH RESTORATION OF THE SLOPE, OR SUCH OTHER PROVISIONS AS THE TOWN ENGINEER MAY DETERMINE;
2. *THE PLANNING BOARD'S REVIEW & APPROVAL ON THE SAFETY AND TRAFFIC FEATURES OF THIS RESTORATION OF THE SITE;*
3. *THAT THERE BE ADEQUATE SCREENING TO THE SATISFACTION OF THE PLANNING BOARD;*
4. *A BUILDING PERMIT MUST BE OBTAINED* FROM THE BUILDING INSPECTOR FOR ANY CONSTRUCTION RELATING TO THIS VARIANCE; AND A REVIEW FOR ALL OTHER STATE AND LOCAL CODES; AND
5. A "FOUNDATION AS-BUILT SURVEY" IS REQUIRED AFTER FOUNDATION IS COMPLETED, AND A "FINAL AS-BUILT SURVEY" IS REQUIRED PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, AND ALL SUBMITTED TO THE BUILDING INSPECTOR ACCORDING TO HIS INSTRUCTIONS;
6. THIS VARIANCE SHALL EXPIRE IF WORK IS NOT INITIATED PURSUANT THERETO WITHIN ONE(1) YEAR FROM THE DATE OF THIS RESOLUTION. UNLESS A BUILDING PERMIT AND/OR A CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED FOR THE VARIANCE.

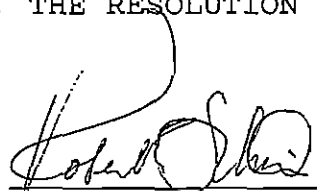
RESOLUTION OF APPROVAL: Area Variance

Motion by: GEORGE NAGLE, JR.
Seconded by: CHARLES FEUER

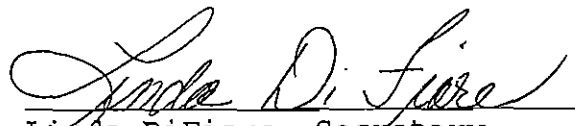
<u>CHARLES FEUER</u>	voting	<u>AYE</u>
<u>JOSEPH MONTICELLI</u>		<u>AYE</u>
<u>MICHAEL ROSENBERG</u>		<u>AYE</u>
<u>GEORGE NAGLE, JR.</u>		<u>AYE</u>
<u>ROBERT SCHMIDT</u>		<u>AYE</u>

THERE BEING FIVE(5) VOTES IN FAVOR, THE RESOLUTION IS GRANTED BY ORDER OF THE BOARD OF APPEALS.

DATED: May 23, 2005


Robert Schmidt, Chairman

I HEREBY CERTIFY this to be a true copy of a resolution approved by the vote of the Board of Appeals of the Town of North Castle at a meeting held on MAY 5TH, 2005 at the Town Hall Annex, North Castle, New York.


Linda DiFiore, Secretary

MAIORANO2-05.RESOLUTION