


**TOWN OF HARRISON  
VILLAGE OF HARRISON  
ATTORNEY'S OFFICE**

**MEMORANDUM**

E-16

TO: Supervisor Richard Dionisio  
Members of the Town Board

FROM: Jonathan D. Kraut, Village Attorney 

DATE: March 23, 2023

RE: **Proposed Local Law No. \_\_\_ of 2023**  
**Amending Section 71(B)(1) of Chapter 235, entitled "Zoning"**

Attached herewith is a draft Public Notice, proposing amendments to the above-referenced Section of the Town Code.

If acceptable, kindly adopt two Resolutions which:

1. Refers this matter to the Planning Board for its recommendation, pursuant to the ordinance amendment procedure established by Article VIII, Section 235-76, of the Zoning Code; and
2. Designates the Town Board as Lead Agency for SEQR and authorizes the Law Department to circulate the EAF and Notice of Intent to involved agencies.

JDK:ld

Attachment

cc: Rocco Germani, Building Inspector  
Patrick Cleary, Planning Consultant

## PUBLIC NOTICE

**Proposed Local Law No. \_\_\_\_ of 2023  
Amending Section 71(B)(1) of Chapter 235, entitled  
“Zoning” of the Town Code of the Town of Harrison**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Harrison, at its meeting to be held at 7:00 P.M., on April 20, 2022, will hold a Public Hearing pursuant to Article 2, Section 10 and Article 3, Section 20 of Municipal Home Rule Law, to amend Section 71(B)(1) of Chapter 235, entitled “Zoning” of the Town Code of the Town of Harrison, by removing subsection (b), requiring prior written notice to property owners within a 500 foot radius, for Building Inspector Change of Use Exceptions in the CBD, MFR, NB and PB Zones. **New material is underlined and deletions are in brackets [ ].**

§ 235-71. Site plan approval.

B. In all districts, a site plan for all proposed land uses, buildings or structures, other than one- or two-family detached dwellings, shall be approved by the Planning Board. Such approval, including all supporting documents, shall be officially transmitted to the Building Inspector prior to his submission of the project to the Architectural Review Board and before his consideration of an application for a building permit. Any amendment of such a site plan, which requires approval by the Planning Board, shall be subject to this same procedure prior to the issuance of any building permit for buildings or structures affected by the amendment.

(Amended 8-25-2011 by L.L. No. 7-2011; 9-22-2011 by L.L. No. 8-2011)

(1) Exceptions: The Building Inspector may waive the requirement for Planning Board approval of a site plan with the regard to the following: a Change of Use in the CBD, MFR, NB or PB zoning district when the proposed new use is a permitted use not requiring Special Exception approval, and does not require the provision of additional required parking or modify the structure or site plan in any substantive way nor does the use cause any anticipated increase in demand for any municipal service.

(a) In the event that the Building Inspector preliminarily determines to waive the requirement for Planning Board approval of a site plan, the applicant shall post a sign on the property referenced in such application on or before the fifth calendar day following the Building Inspector's preliminary determination. Such sign shall be at least 30 x 20 inches in size, consist of sturdy and serviceable material containing a white background with black letters and be placed in a location plainly visible from the most commonly traveled street or highway upon which the property fronts, but in no case more than 20 feet back from the front lot line. Such sign shall be at least six feet above the ground and shall read as follows, in legible lettering at least two inches high:

"ON THE SITE (DESCRIBE ACTION SET FORTH IN APPLICATION) IS PROPOSED. THIS MATTER HAS BEEN PRELIMINARILY DETERMINED BY THE HARRISON BUILDING INSPECTOR TO BE EXEMPT FROM THE REQUIREMENT TO OBTAIN PLANNING BOARD APPROVAL AND THIS SITE PLAN WILL BE FINALLY APPROVED BY THE BUILDING INSPECTOR ON OR AFTER (GIVE TIME; 1ST BUSINESS DAY THAT IS TWO CALENDAR WEEKS AFTER THE DATE THAT THE SIGN IS FIRST POSTED). INTERESTED PARTIES CAN OBTAIN ADDITIONAL INFORMATION FROM THE HARRISON BUILDING INSPECTOR."

[(b) Any applicant which has submitted an application for site plan approval for which the Building Inspector has preliminarily determined meets the criteria set forth in this § 235-71B(1) shall give adequate prior written notice to property owners within 500 feet of any point of the subject property by certified mail, return receipt requested, mailed not more than five days after the Building Inspector makes his preliminary determination. The notice shall generally describe the application and state the earliest date upon which the Building Inspector's determination will be final.]

This Law shall take effect immediately upon filing with the Secretary of the State of New York.

ALL PERSONS HAVING AN INTEREST IN THE MATTER ARE INVITED TO  
ATTEND AND BE HEARD.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF HARRISON.

Jacqueline Greer  
Town Clerk

Dated: Harrison, New York  
March 22, 2023