

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, June 11, 2015, at 8:00 p.m., in the Court Room of the Municipal Building.

Members Present

Mark I. Fisher, Chairman
Paul Katz
Ernest Fiore
Michael Strone
Steven Lowenthal
Paul Valentine
Tom Foristel


Members Absent

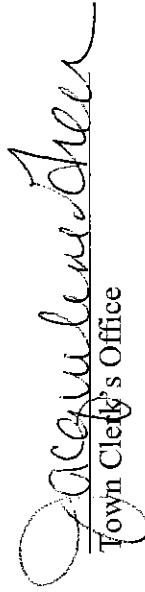
The Chairman called the meeting to order at 8:00 p.m.

<u>Cal. #</u>	<u>Applicant</u>	<u>Block</u>	<u>Lot</u>	<u>Decision</u>
Z15-003	Harrison Playhouse Lofts	133	35 & 11	Heard – Closed – Findings being prepared
Z15-006	David & Carmela Fuca	833	11	Heard – Adjourned to the July Meeting
Z15-007	Shawn & Erica Andrews	1011	3	Variance Granted
Z15-008	Keio Academy of New York	631	26	Variance Granted
Z15-009	Mark House	41	9	Heard – Withdrawn without prejudices
Z15-010	Marie Marino	90	31	Heard – Adjourned to the July Meeting
Z15-011	Martin & Debra Wolf	444	14	Heard – Closed – Findings being prepared

The next meeting was scheduled to July 9, 2015.

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


Town Clerk's Office

2015 JUN -6 PM 2:15
TOWN CLERK
HARRISON, N.Y.

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

RECEIVED

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

Calendar No. Z15-007

Date: June 11, 2015

Property Owners: Shawn & Erica Andrews

Property Address: 1502 Old Orchard St.

Block 1011 Lot 3

WHEREAS, 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, Stephen Marchesani, on behalf of the property owners, filed an application for a 2 story addition with a one story porch on March 10, 2015. The property is located in an R-1 Zoning District which requires a minimum front yard setback of 40 feet. It is legally non-conforming with regards to its size of 18,730 square feet and front yard setback. The current front yard setback is 21.1 feet at the northern corner and decreases to 18.4 feet at the southern corner. The addition and porch will reduce the front yard setback to 17.6 feet on the north side and to 12 feet on the south side thereby requiring variances of 22.4 feet and 28 feet, respectively.

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 April 9 and May 11, 2015 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present or indicated that they had listened to tapes of the meeting: Paul Valentine, Paul Katz, Tom Foristel, Steven Lowenthal, 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:

*Z15-007
Andrews
6/11/15*

- (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) Applicant's original application provided for construction of a cupola on the south side of the property which would have reduced the front yard setback to 6 feet. In response to conversations by the Board, applicant filed amended plans that changed the location of the cupola and thereby increased the setback on the south side to 12 feet.
- B) The proposed setbacks are consistent with the setbacks for other properties in the area.
- C) The current request cannot seemingly be achieved by any other method.
- D) There would be no adverse impact on the neighborhood.
- E) There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for variances to permit to construction of a 2 story addition and porch within the required front yard setbacks 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

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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.

Foregoing Resolution submitted by Tom Foristel, seconded by Paul Valentine at the 6/11/2015 meeting.

ADOPTED: AYES: Mark Fisher, Ernest Fiore, Paul Katz, Michael Strone,
Steven Lowenthal, Paul Valentine and Tom Foristel

NAYS: None

ABSTAINED: None

ABSENT: None



Secretary, Board of Zoning Appeals



Chairman, Board of Zoning Appeals

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TOWN CLERK
HARRISON, N. Y.

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

Calendar No. Z15-008

Date: June 11, 2015

Property Owner: Keio Academy of New York

Property Address: 3 College Road

Block 631, Lot 26

WHEREAS, Adam Wekstein, Esq., on behalf of the property owners filed an application on April 15, 2015 for a variance from the Zoning Ordinance to construct a Student Center and relocate three existing tennis courts and associated fencing. This property is located in an R-2 Zoning District. The property is legally existing with special exception use. Pursuant to §235-(9)(B) of the Table of Dimensional Regulations of the Town/Village of Harrison, accessory structures located within the rear and side yards shall have a minimum required setback of 50 feet. Also as per §235-37 the total number of parking spaces required for the new building is 227. This application requires the following variances:

1. The proposed relocation of the tennis court indicates a side yard setback of 4.5 feet, thus requiring a variance of 45.5 feet.
2. The proposed 10 foot high tennis court indicates a setback of 4.5 feet, thus requiring a variance of 45.5 feet.
3. The number of parking spaces required for the proposed new construction is 227 and the spaces provided consists of the existing 125 thus requiring a variance for a 102 space deficiency; 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 May 11, 2015 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, Paul Katz, Ernest Fiore, Michael Strone, Steve Lowenthal, Paul Valentine, and Thomas Foristel

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:

Z15-008

Keio – Student Center

6/11/15

- (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:

1. The Applicant is an existing private high school and we are cognizant of the deference afforded to such institutions with respect to the application of the provisions of the Zoning Ordinance.
2. Applicant is proposing to construct a student center in an area presently occupied by three tennis courts. As a result, the tennis courts are being relocated to the northeast side of the main athletic field in a location that abuts Manhattanville College's ball fields. No lighting is being proposed for night use of the courts. The relocation of the tennis courts and the associated fencing would not create any adverse impact on the adjacent Manhattanville property since it would integrate seamlessly into the existing athletic fields on both the Manhattanville and Keio campuses. In addition, the location of the proposed courts is in excess of 650 feet from the nearest residential property.
3. The new student center does not, in and of itself, require a variance and the center will not be visible from any neighbors as the property boundary is heavily screened with mature trees. However, as a result of the number of seats (609) in the auditorium a parking variance will be required. While the variance would appear on its face to be substantial (125 spaces provided as compared to 227 required), a number of factors appear to minimize the substantiality of the variance. The need for parking spaces is attenuated by the fact that students are not allowed to maintain cars, enrollment and staffing levels are not expected to increase as a result of

the new construction, campus activities are not expected to change and there have been no parking problems on the campus during its 25 year history. Accordingly, we find that the existing 125 on-site spaces should be sufficient to fulfill Keio's parking needs.

4. No one appeared in opposition and Manhattanville College has submitted a letter in support of the granting of the variances.
5. The Planning Board has issued a positive recommendation.

NOW THEREFORE BE IT RESOLVED, that the application for variances to permit the relocation of three tennis courts and associated fencing within the required setbacks, and a reduction in the number of required parking spaces, 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.

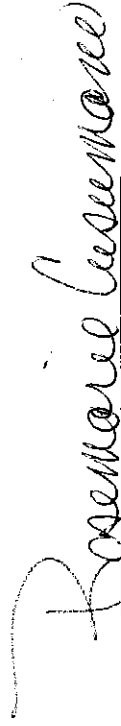
Foregoing Resolution submitted by Paul Katz, seconded by Paul Valentine at the June 11, 2015 meeting.

ADOPTED: AYES: Mark Fisher, Ernest Fiore, Paul Katz, Michael Strone,
Steven Lowenthal, Paul Valentine and Tom Foristel

NAYS: None

ABSTAINED: None

ABSENT: None



Secretary, Board of Zoning Appeals



Chairman, Board of Zoning Appeals

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Z15-008
Keio - Student Center
6/11/15