

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, October 13, 2016, 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>
Z16-005	Vito Forgione	904	7	Not Heard – Adjourned to the November Meeting
Z16-010	Soverato LLC/Marcella Realty LLC	251	37	Not Heard – Adjourned to the November Meeting
Z16-015	Ehud & Jennifer Livne	601	25	Heard – Adjourned to the November Meeting
Z16-016	Briggs & Jennifer Forelli	521	12	Heard – Closed – Findings being prepared
Z16-017	Nick & Ana Read	951	22	Variance Granted
Z16-018	Michele Marciano	849	5	Heard – Closed – Findings being prepared
Z16-019	12 Nelson Avenue LLC	267	11	Heard – Adjourned to the November Meeting
Z16-020	John & Pamela King	912	42	Heard – Adjourned to the November Meeting
Z16-021	Anita Davis	542	7	Heard – Closed – Findings being prepared

The next meeting was scheduled to November 10, 2016.

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

Tellina Tiboni
 Town Clerk's Office

TOWN CLERK
 HARRISON, NY
 OCT 13 2016

Rosemarie Cusumano
 Rosemarie Cusumano, Secretary

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

Calendar No. Z16-017

Date: October 13, 2016

Property Owner: Nick & Ana Read

Property Address: 3700 Purchase Street

Block 951 Lot 22

WHEREAS, the property owner, filed an application 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, Peter Cole, on behalf of the property owner, filed an application on August 12, 2016, for area variances from the Zoning Ordinance to permit a new pergola and generator.

This property is located in an R-2 Zoning District and pursuant to §235-9-B of the Table of Dimensional Regulations accessory structures shall have a minimum side yard setback of 50 feet. The proposed pergola is indicated to have a side yard setback of 45 feet, thus requiring a variance of 5 feet. The proposed generator is indicated to have a side yard setback of 22 feet, thus requiring a variance of 28 feet.

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 September 8, 2016, 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, Paul Valentine and Tom Foristel.

WHEREAS, Board Members had inspected the site; and

WHEREAS, at said Hearing, the applicant appeared in support of the variances, 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;

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- (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 grant the requested variances and that the variances sought were the minimum variances 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 proposed pergola and generator are located on the side of Applicant's property that is adjacent to Stone Bridge Road which is a private road. That side of the property is heavily screened from view from the adjacent property by a row of mature trees. In addition, the house on the adjacent property is located more than 200 feet away from the property line. As a result, the granting of the variances will not create an adverse visual impact on the adjacent property.
2. The granting of the variance will not create an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
3. There were no objections from any adjacent property owners.

NOW THEREFORE BE IT RESOLVED that the application for a side yard variance a pergola and generator as indicated in the plans submitted with this application be, and the same are 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 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.

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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.

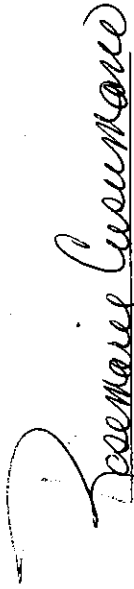
Foregoing Resolution submitted by Steven Lowenthal, seconded by Ernest Fiore at the meeting on October 13, 2016.

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

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 and 670-3056.

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