

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, October 8, 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

Members Absent

Tom Foristel

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>
Z15-015	Anthony Spano	411	12	Heard -- Closed - Findings being prepared
Z15-016	Lake Street restaurant Group, LLC	871	15	Heard -- Closed -- Findings being prepared
Z15-019	Peter Gregorio	302	18	Variance Granted
Z15-020	Aron & Robin Ponticelli	651	22	Not Heard -- Adjourned to the November Meeting
Z15-021	Jules Alexander	562	4	Heard -- Adjourned to the November Meeting

The next meeting was scheduled to November 11, 2015.

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

Jacqueline Sheer
Town Clerk's Office

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Rosemarie Cusumano
Rosemarie Cusumano, Secretary

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

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

Calendar No.: Z15-019

Date: October 8, 2015

Property Address: 321 West Street

Block 302, Lot 18

Property Owner: Peter Gregario

WHEREAS, the applicant, filed an application with respect to the erection of pergolas 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 Gregario, the property owner, filed an application for an area variance from the Zoning Ordinance to replace existing awnings with new pergola structures to be located on his property within 11 feet and 29 feet of a stream that flows the property whereas the ordinance requires that such structures be located at least 50 feet from the stream; 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 September 10, 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: Mark Fisher, Paul Katz, Steven Lowenthal, Ernest Fiore, Michael Strone, Paul Valentine and Tom Foristel; 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 thereunder, 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:

- (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

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- 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 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 §§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. In 2004, we granted a variance (Calendar Z04-017) to allow awnings to be located 11 feet and 29 feet, respectively, from a stream on applicant's property. Our variance required that the awnings could only be in place from May 1st through October 15th each year.
- B. The current application involves the replacement of the awnings with new pergolas which would remain in place all year.
- C. The awnings have been located at their present location for many years and there has been no apparent damage caused by their location in close proximity to the stream.
- D. Replacing the awnings with pergolas appears to produce no detriment to adjacent properties and will improve the appearance of the property.
- E. The pergolas would have no negative impact on the neighborhood.
- F. There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for permission to erect pergolas located 11 feet and 29 feet from a stream in accordance with plans filed with this application be, and it hereby is granted subject to the following:

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.

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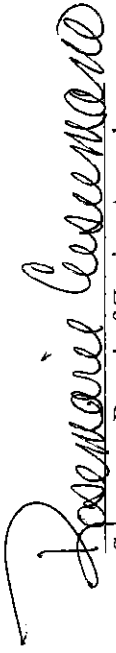
Foregoing Resolution submitted by Paul Valentine, seconded by Steve Lowenthal, at the meeting on October 8, 2015.

ADOPTED: A YES: Mark Fisher, Ernest Fiore, Paul Katz, Michael Strone,
Steven Lowenthal and Paul Valentine

NAYS: None

ABSTAINED: None

ABSENT: Tom Foristel


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 required before work starts. If you have any questions, please call the Building Department at (914) 670-3054 or 670-3055.

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