

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, November 14, 2013, at 8:00 p.m., in the Court Room of the Municipal Building.

Members Present

Mark I. Fisher, Chairman
Ernest Fiore
Paul Katz
Michael Strone
Steven Lowenthal
William Harold
Paul Valentine

Members Absent

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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>
Z13-008	James Goulas	703	1	Re-Opened – Adjourned to December Meeting – Findings being prepared
Z13-019	Archibald & Boragine	508	20	Heard – Closed – Findings being prepared
Z13-024	Mottarella & Etre	31	10	Variance Granted
Z13-026	Michel Angelo Iannacchino	1031	1	Not Heard – Adjourned to the December Meeting
Z13-027	Carol Ann Garfield	611	74	Variance Granted
Z13-028	Amy Podolak	508	62	Variance Granted
Z13-029	David Gershon	604	14	Heard – Closed – Findings being prepared
Z13-030	Melinda & Peter Wolverton	241	1	Heard – Closed – Findings being prepared
Z13-031	Aqua Tots	622	9	Heard – Closed – Findings being prepared
Z13-032	Robert Luiso	281	10	Heard – Adjourned to the December Meeting

The next meeting was scheduled to December 12, 2013.

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

Jacqueline Chan
Town Clerk's Office

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. Z13-024

Date: November 14, 2013

Property Owner: George Mottarella & Marc Etre Jr.

Property Address: 21-23 Rose Avenue Block 31 Lot 10
Harrison, New York 10528

WHEREAS, the applicant, 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, George J. Mottarella & Marc Etre Jr. filed an application on July 10, 2013, for an area variance from the Zoning Ordinance. This property is located in a B Zoning District and pursuant to §235-(9)(B) of the Table of Dimensional Regulations of the Town/Village of Harrison Zoning Ordinance the minimum required rear yard setback is 25 feet. The proposed deck extension will reduce the rear yard setback to 20 feet thus requiring a variance of 5 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 October 17, 2013, 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, William Harold, and Paul Valentine.

WHEREAS, Board Members had inspected the site; and

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

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- (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, Section 267-a and 267-b and Harrison Town Code Section 235-56, et seq., it has jurisdiction to consider the requested variances.

The Board found that:

1. The deck backs up on the rear yard of a property (Block 31, Lot 19) with a street address on Gleason Place. The deck is screened from the rear yard of the adjacent property by evergreens. In addition, the deck is located a substantial distance away from the house on the Gleason Place property and will have no visual impact on that property.
2. There would be no apparent detriment to the surrounding properties or to the neighborhood.
3. There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED that the application for a variance to permit a new deck to be located 20 feet from the property line as indicated in the plans submitted with this application be, and the same is 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 plan.

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.

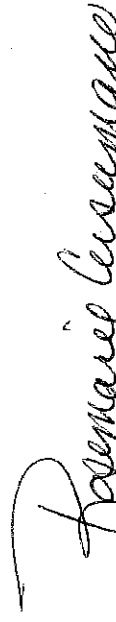
Foregoing Resolution submitted by Michael Strone, seconded by Steven Lowenthal at the meeting on November 14, 2013.

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

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 or 670-3056.

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

Calendar No. Z13-027

Date: November 14, 2013

Property Owner: Neil Garfield

Property Address: 7 Meadow Lane
Purchase, New York 10577

Block 611

Lot 74

WHEREAS, the applicant, 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 filed an application on September 17, 2013, for an area variance from the Zoning Ordinance. This property is located in an R-2.5 Zoning District and pursuant to §235-9(B) of the Table of Dimensional Regulations of the Town/Village of Harrison the required side yard setback is 50 feet. The proposed generator will reduce the setback to 18 feet thus requiring a 32 foot variance.

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 October 17, 2013, 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, William Harold and Paul Valentine.

WHEREAS, Board Members had inspected the site; and

WHEREAS, at said Hearing, the applicant appeared in support of the variance; 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 consider the requested variances.

The Board found that:

1. The generator will be located in the side yard alongside an existing paved play court.
2. The located is approximately 260 feet from the adjacent property and will be fully screened.
3. There would be no apparent detriment to the surrounding properties or to the neighborhood.
4. There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED that the application for a variance to permit a generator to be located 32 feet from the property line as indicated in the plans submitted with this application be, and the same is 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 plan.

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.

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.

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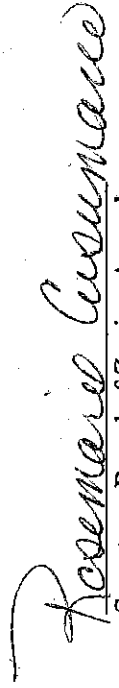
Foregoing Resolution submitted by Ernest Fiore, seconded by Steven Lowenthal at the meeting on November 14, 2013.

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

NAYS: None

ABSTAINED: None

ABSENT: None


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

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

Calendar No.: Z13-028

Date: November 14, 2013

Property Owner: Amy Podolak

Property Address: 75 Fenimore Drive

Block #508 Lot # 62

Harrison, New York 10528

WHEREAS, the applicant, 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, John Woodruff, Architect, filed an application on September 17, 2013 for an area variance from the Zoning Ordinance. This property is located in an R-1 Zoning District and the property is existing non-conforming with regard to the lot size and setbacks. Pursuant to §239-9(B) of the Table of Dimensional Regulations of the Town/Village of Harrison zoning Ordinance the minimum required rear yard is 50 feet. The site plan indicates the proposed addition to increase the existing non-conformity with a rear yard setback of 27 feet thus requiring a variance of 23 feet 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 October 17, 2013 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: Paul Katz, Ernest Fiore, William Harold, Mark Fisher, Michael Strone, Steve Lowenthal and Paul Valentine;

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 regulation thereunder, 6N.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:

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- (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;
- (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 consider 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 property is existing non-conforming with regard to lot size and setbacks.
2. The variance relates to a small one-story addition being made at the rear of the house. The addition is being made along the existing legally non-conforming line of the house.
4. There would be no apparent detriment to the surrounding properties or to the neighborhood.
5. There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED that the application for a 23 foot variance to permit construction of an addition in the rear yard as indicated in the plans submitted with this application be, and the same is 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 plan.

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.

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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.

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.

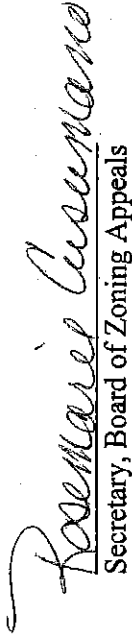
Foregoing Resolution submitted by Michael Strone, seconded by Paul Valentine at the meeting on November 14, 2013.

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

NAYS: None

ABSTAINED: None

ABSENT: None


Secretary, Board of Zoning Appeals



Chairman, Board of Zoning Appeals

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