

## ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, December 10, 2015, at 8:00 p.m., in the Court Room of the Municipal Building.

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


Members Absent  
*Paul Katz*

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

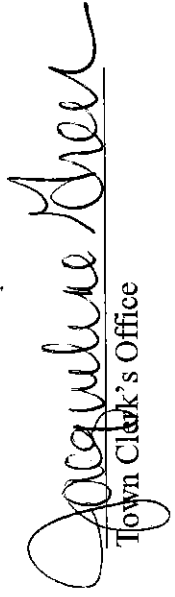
<u>Cal. #</u>	<u>Applicant</u>	<u>Block</u>	<u>Lot</u>	<u>Decision</u>
Z15-020	Aron & Robin Ponticelli	651	22	Heard – Adjourned to the January Meeting
Z15-021	Jules Alexander	562	4	Variance Granted
Z15-022	Harrison Real Estate Group, LLC	131	17	Heard – Adjourned to the January Meeting
Z15-023	Westchester Joint Water Works	625	6	Heard – Closed – Findings being prepared
Z15-023A	Anthony Pastore	874	25	Not Heard – Adjourned to the January Meeting
Z15-024	233 Highland Road R.E. Corp.	523	38	Not Heard – Adjourned to the January Meeting
Z15-025	Ronen Israel & Mindy Nagorsky	981	60	Heard – Adjourned to the January Meeting
Z15-026	Michael DiMartino	861	24	Heard – Closed – Findings being prepared
Z15-027	Memorial Hospital For Cancer	631	7	Heard – Closed – Findings being prepared

The next meeting was scheduled to January 11, 2016.

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

  
 Rosemarie Cusumano  
 TOWN CLERK  
 HARRISON, N.Y.

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 Jacqueline Green  
 Town Clerk's Office

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

Calendar No. Z15-021

Date: December 10, 2015

Property Owner: Jules Alexander

Property Address: 9 Belmont Avenue

Block 562, Lot 4

WHEREAS, the applicant filed an application to construct a new two car detached garage and addition to the existing two story house 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, Douglas Wilk, on behalf of the property owners, filed an application on August 17, 2015 for a variance from the Zoning Ordinance for an addition to a two story existing house and a new two car detached garage at property located in an R-1 Zoning District. Pursuant to §235-28A of the Table of Dimensional Regulations of the Town/Village of Harrison Zoning Ordinance the minimum required rear yard setback is 50 feet and the minimum side yard setback is 20 feet. The proposed addition reduces the rear yard setback to 26.17 feet, thus requiring a variance of 23.83 feet. The proposed garage is indicated to have a side yard setback of 15 feet, thus requiring a variance of 5 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 8, 2015 and November 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: Mark Fisher, Paul Katz, Ernest Fiore, Michael Strone, Steve Lowenthal, Thomas Foristel 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 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

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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 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 rear yard variance relates to the construction of two one story additions. The rear of the property borders on the back of the driving range of the Westchester Country Club and the Club has indicated that it has no objection to the granting of the variance provided Applicant complies with certain undertakings to the Club with respect to the construction of the improvements. There is also existing screening in the rear of the property. Accordingly, we believe that the granting of the rear yard variance will not change the character of the neighborhood or create any adverse impact on any adjacent property since the only property that could be affected is the Club.
2. The side yard variance relates to the construction of a detached garage. In response to concerns expressed by the Board, Applicant has relocated the proposed garage so as to minimize the extent of this variance. The variance now required is five feet as compared to the 15 feet originally sought by Applicant. In addition, the only neighbor affected by the granting of the side yard variance has indicated that he has no objection to the granting of the variance. Accordingly, we find that the granting of this

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variance will not change the character of the neighborhood or create any adverse impact on any adjacent properties.

**NOW THEREFORE BE IT RESOLVED**, that the application for a side and rear variance to allow construction of a detached garage and rear yard additions in accordance with the plans submitted with this application be, and the same is hereby granted, subject to the following condition.

Granting of this variance is specifically conditioned on the continued maintenance of the trees and fence provided by the screening plan referred to above.

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.

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 December 10, 2015 meeting.

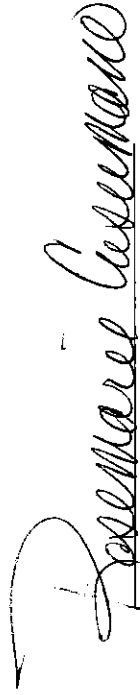
**ADOPTED: AYES:** Mark Fisher, Ernest Fiore, Michael Strone, Steven Lowenthal, Paul Valentine and Tom Foristel


**NAYS:** None

**ABSTAINED:**None

**ABSENT:** Paul Katz

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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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