

## ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, December 12, 2013, at 8:00 p.m., in the Court Room of the Municipal Building.

Members Present

*Michael Strone, Acting Chairman*  
*Ernest Fiore*  
*Steven Lowenthal*  
*William Harold*

Members Absent

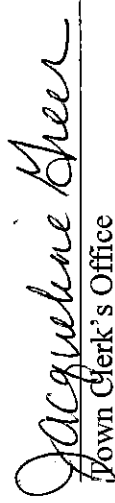
*Mark I. Fisher, Chairman*  
*Paul Katz*  
*Paul Valentine*

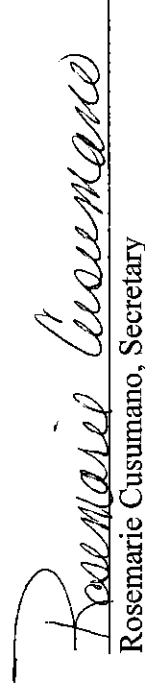
The Chairman called the meeting to order at 8:00 p.m.

<u>Cal. #</u>	<u>Applicant</u>	<u>Block</u>	<u>Lot</u>	<u>Decision</u>
Z13-008	James Goulas	703	1	Variance Granted
Z13-019	Archibald & Boragine	508	20	Variance Granted
Z13-026	Michele Angelo Iannacchino	1031	1	Not Heard – Adjourned to the January Meeting
Z13-029	David Gershon	604	14	Variance Granted
Z13-030	Melinda & Peter Wolverton	241	1	Variance Granted
Z13-031	Aqua Tots	622	9	Variance Granted
Z13-032	Robert Luiso	281	10	Not Heard – Adjourned to the January Meeting
Z13-033	Anthony Ciardullo	421	25	Heard – Closed – Findings being prepared
Z13-034	Seville Plaza	121	22-25, 29	Extension Granted

The next meeting was scheduled to January 9, 2014.

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

  
Town Clerk's Office

  
Rosemarie Cusumano, Secretary

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TOWN CLERK  
HARRISON, N.J.

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

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

Calendar No. Z13-008

Date: November 14, 2013

Property Owner: James Goulas

Property Address: 1 Old Lyme Road  
Purchase, New York 10577

Block 703 Lot 47

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, James Goulas filed an application for area variances from the Zoning Ordinance. This property is located in a R-1/3 Zoning District. Pursuant to §235-24.1(B) a minimum buffer setback of 100 feet must be maintained for properties bordering on Anderson Hill Road. The addition proposed by applicant and the existing shed proposed to be legalized are 32 feet, 2 inches and 80 feet, respectively, from the property line along Anderson Hill Road thereby requiring variances of 67 feet, 10 inches and 20 feet, respectively. In addition, the existing shed is located 5.9 feet from the side yard as compared to the 20 foot requirement of the Ordinance. Accordingly, a 9.1 foot variance is needed; 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 various dates, 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;

Z13-008  
Goulas  
11/14/13

- (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 property is situated at a higher elevation in relationship to Anderson Hill Road. In addition, there is existing screening that will result in the addition not being visible from Anderson Hill Road. In addition, the shed is located further away from Anderson Hill Road than the addition.
2. As a result of existing screening, the shed is not visible from any adjacent property and, accordingly, no detrimental impact to nearby properties will be created by the granting of a variance for the shed.
3. As a result of the foregoing findings, no undesirable change in the character of the neighborhood or detriment to nearby properties will be created by the granting of the variances.
4. The Planning Board has issued a positive recommendation with respect to the granting of a variance for the addition from the 100 foot buffer requirement.

NOW THEREFORE BE IT RESOLVED that the application for a variance to permit (1) a new addition and an existing shed to be located within the 100 foot buffer from Anderson Hill Road and (2) an existing shed to be located 5.9 feet from the side yard 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.

Z13-008  
Goulet  
11/14/13

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.

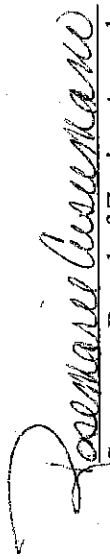
Forgoing Resolution submitted by Steven Lowenthal, seconded by William Harold at the meeting on December 12, 2013.

ADOPTED: AYES: Acting Chairman Michael Strone, Ernest Fiore,  
Steven Lowenthal, and William Harold

NAYS: None

ABSTAINED: None

ABSENT: Mark Fisher, Paul Katz and Paul Valentine

  
Secretary, Board of Zoning Appeals

  
Chairman, Board of Zoning Appeals

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HARRISON, N.J.

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Z13-008  
Goulias  
11/14/13

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

Calendar No. Z13-019

Date: December 12, 2013

Property Owner: Daniel Archibald & Ellie Boragine

Property Address: 25 Sterling Road      Block 508      Lot 20  
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, Daniel Archibald and Ellie Boragine filed an application on June 17, 2013 and an amended application on November 13, 2013, for an area variance from the Zoning Ordinance to permit the location of a one story garage addition within the required side yard at the premises located in an R-1 Zoning District. The Code of the Town/Village of Harrison, Sec. 235-9(B) Table of Dimensional Regulations for the Residence Districts requires a minimum required setback for a property abutting a corner lot of 40 feet in an R-1 zone. The property has an existing legally non-conforming setback along Fenimore Road of 30.27 feet and the location of the proposed garage addition will further reduce the setback to approximately 22 feet thus requiring a variance of 18 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 various dates with the last hearing being held on November 14, 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:

*Z13-019  
Archibald/Boragine  
12/12/13*

- (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, 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. Applicant's original application provided for construction of a two car garage at the end of a driveway leading from Sterling Road. That garage would have been located 7'3" from the side yard that abuts Fenimore Road and would have required a side yard variance of 30.27 feet. The original proposed garage would have been fully visible from Sterling Road.
2. The area in which applicant's property is located contains a significant number of small cottage style houses and there was a concern that the original garage was out of keeping with many of the other houses in the area. In response to this concern, applicant modified the plan and moved the location of the garage so that it is now located behind an existing one story portion of the house. As a result, only a portion of the garage is now visible from Sterling Road and the magnitude of the variance required has been significantly reduced. In addition, as set forth below, the addition is also screened from view from Fenimore Road. Accordingly, we find that the modifications satisfactorily alleviate the concern that the granting of the variance would result in the construction of an addition that would be out of keeping with the general cottage look of houses in the area.
3. Applicant's need for the variance is necessitated by the fact that there is presently only a one car garage located at the end of a narrow driveway leading from Sterling Road. That garage can only accommodate one small car. As a result, although the driveway provides for additional parking, the usefulness of the driveway for parking is dramatically affected by the fact that any car located in the driveway must be backed up onto Sterling Road in order to allow a car parked in the garage to exit the driveway. Accordingly, applicant has demonstrated that it has a significant need for a garage.

Z13-019  
*Archibald/Boragine*  
12/12/13

4. The existing house is legally non-conforming with respect to the side yard along Fenimore Road in that the house is located 22 feet from the property line. The new garage would create no more of a visual impact on Fenimore Road than the existing house and the garage will be significantly screened from view from Fenimore Road because of an existing fence as well as existing vegetation along Fenimore Road. Accordingly, no undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties as a result of the granting of the variance.

NOW THEREFORE BE IT RESOLVED that the application for a variance to permit a garage addition to be located 22 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.

Foregoing Resolution submitted by William Harold, seconded by Ernest Fiore at the meeting on December 12, 2013.

ADOPTED: AYES: Acting Chairman Michael Strone, Ernest Fiore,  
Steven Lowenthal and William Harold

NAYS: None

ABSTAINED: None

ABSENT: Mark Fisher, Paul Katz and Paul Valentine

Z13-019  
Archibald/Boragine  
12/12/13

Rosemarie Lusumano  
Secretary, Board of Zoning Appeals

Michael Strone @  
Chairman, Board of Zoning Appeals

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Z13-019  
Archibald/Boragine  
12/12/13

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BUILDING DEPARTMENT



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

Calendar No. Z13-029

Date: December 12, 2013

Property Owner: David Gershon

Property Address: 12 Plymouth Road

Block 604 Lot 62

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, Doug MacMillan, on behalf of the property owner, filed an application on October 13, 2013 for an area variance from the Zoning Ordinance to permit the construction of addition to an existing garage located in an R-1 Zoning District. The Code of the Town/Village of Harrison, Sec 235-9B for Residence Districts requires a minimum set yard setback of 50 feet. The property is existing non-conforming and provides for a 35.1 side yard setback. The proposed addition will reduce this side yard setback to 29.1 and would require a variance of 20.9 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 November 14, 2013 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present: 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 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

Z13-029  
Gershon  
12/12/13

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 existing garage is not suitable for full size vehicles and the addition is being constructed so that the garage can accommodate those vehicles.
2. There is substantial existing vegetation that effectively screens the garage addition from the view of the adjacent neighbor.
3. There is an existing wall facing Plymouth Road. That wall is being rebuilt and will also screen the garage addition from Plymouth Road.
4. There will be no adverse impact created on the neighborhood or any adjacent property as a result of the granting of the variance.

NOW THEREFORE BE IT RESOLVED, that the application for permission to construct a garage addition 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 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.

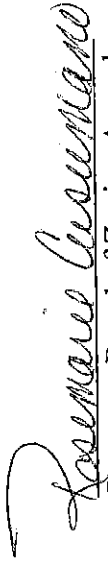
Foregoing Resolution submitted by Steven Lowenthal, seconded by Ernest Fiore at the 12/12/2013 meeting.

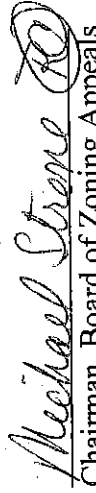
ADOPTED: AYES: Acting Chairman Michael Strone, Ernest Fiore,  
Steven Lowenthal and William Harold

NAYS: None

ABSTAINED: None

ABSENT: Mark Fisher, Paul Katz and Paul Valentine

  
Secretary, Board of Zoning Appeals

  
Chairman, Board of Zoning Appeals

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TOWN OF  
HARRISON, NJ

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Z13-029  
Gerston  
12/12/13

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

Calendar No. Z13-030

Date: December 12, 2013

Property Owner: Peter & Melinda Wolverton

Property Address: 301 Harrison Ave.

Block 241 Lot 1

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, Peter & Melinda Wolverton, filed an application on October 17, 2013 for a variance from the Zoning Ordinance to legalize an addition of a deck located in an R-75 Zoning District. The Code of the Town/Village of Harrison, Sec 235-9B Table of Dimensional Regulations for Residence Districts requires a side yard setback of 10' in an R-75 zone. The deck was constructed in a non-compliant location reducing the required side yard setback to 2.2' thus requiring a variance of 7.8 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 November 14, 2013 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present: Paul Katz, William Harold, Ernest Fiore, 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 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:

*Z13-030  
Wolverton  
12/12/13  
100114579v1*

- (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 deck was constructed along the existing line of the house and is not closer to the property line than the existing house.
2. The property adjacent to the deck is a two-family house with a large open space area adjacent to the deck as well as a garage at the rear of that space. Accordingly, the granting of the variance will not have a significant impact on the adjacent property.
3. There would be no apparent detriment to the surrounding properties or the neighborhood.
4. Many neighbors in the immediate area wrote letters of support for the variance.

NOW THEREFORE BE IT RESOLVED, that the application for permission to legalize an addition 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.

Z13-030  
Woherton  
12/12/13  
100114579v1


Foregoing Resolution submitted by Ernest Fiore, seconded by Steven Lowenthal at the 12/12/2013 meeting.

ADOPTED: AYES: Acting Chairman Michael Strone, Ernest Fiore,  
Steven Lowenthal and William Harold

NAYS: None

ABSTAINED: None

ABSENT: Mark Fisher, Paul Katz and Paul Valentine

  
Secretary, Board of Zoning Appeals

  
Chairman, Board of Zoning Appeals

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TOWN OF WOLVERTON  
HARRISON, N.Y.

Z13-030  
Wolverton  
12/12/13  
100114579v1

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

Calendar No. Z13-031

Date: December 12, 2013

Property Owner: Aqua Tots

Property Address: 45 West Red Oak Lane

Block 622 Lot 2

West Harrison, New York 10604

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, Aqua Tots filed an application for a variance for the installation of a generator at the above referenced property. The property is located in a SB-0 Zoning District and pursuant to 235-12(B) of the Zoning Ordinance, the minimum required front or front yard setback is 50 feet and the minimum required side yard setback adjoining a business district is 75 feet. The site plan will require two variances: the plan calls for a front yard setback of 21.6 feet, thus requiring a variance of 28.6 feet and a side yard setback of 22 feet thus requiring a variance of 53 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 November 14, 2013 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present: Paul Valentine, William Harold, Michael Strone, Steve Lowenthal, Ernest Fiore, Mark Fisher, and Paul Katz; 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

Z13-031  
*Aqua Tots Generator*  
12/12/13

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:

- A) The generator would be installed in an area at the highest portion of the property.
- B) The location abuts I-287 and is in a commercial area.
- C) There will be no adverse visible effects on the immediate area.
- D) As the grounds are reasonably elevated, there would be no impact to the nearby stream.

NOW THEREFORE BE IT RESOLVED, that the application for a variance in order to allow installation of a new generator 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.

Z13-031  
*Aqua Tots Generator*  
12/12/13



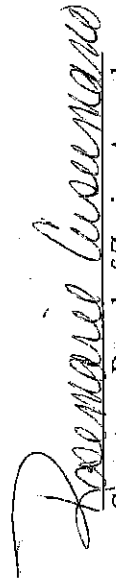
Foregoing Resolution submitted by Ernest Fiore, seconded by William Harold at the 12/12/2013 meeting.

ADOPTED: AYES: Acting Chairman Michael Strone, Ernest Fiore,  
Steven Lowenthal and William Harold

NAYS: None

ABSTAINED: None

ABSENT: Mark Fisher, Paul Katz and Paul Valentine

  
Secretary, Board of Zoning Appeals

  
Chairman, Board of Zoning Appeals

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HARRISON, N.Y.

Z13-031  
Aqua Tots Generator  
12/12/13