

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, May 9, 2013, at 8:00 p.m., in the Court Room of the Municipal Building.

Members Present

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

Members Absent

Michael Strone

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

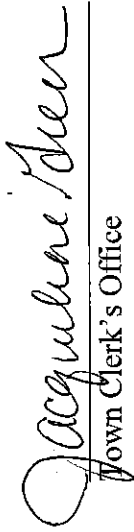
<u>Cal. #</u>	<u>Applicant</u>	<u>Block</u>	<u>Lot</u>	<u>Decision</u>
Z13-002	Michael & Suzanne Valentino	542	29	Variance Granted
Z13-006	Vasilios & Maria Skamangas	223	39	Not Heard – Adjourned to July Meeting
Z13-008	James Goulas	703	47	Not Heard – Adjourned to The June Meeting
Z13-009	Pasquale Altamuro	874	39	Variance Granted
Z13-010	Christopher Marangi	223	38	Variance Granted
Z13-011	Seville Plaza	131	22-25, 29	Heard – Extension Granted
Z13-012	Robert & Jennifer Pomroy	601	49	Heard – Closed – Findings being prepared
Z13-013	Richard Goldstein	302	108	Heard – Adjourned to the June Meeting
Z13-015	William Cronin & Ann Cronin	232	22	Heard – Extension Granted

The next meeting was scheduled to June 12, 2013.

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



Rosemarie Cusumano, Secretary



Town Clerk's Office

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

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

Calendar No. Z13-002

Date: May 9, 2013

Property Owner: Michael & Suzanne Valentino

Property Address: 33 Griswold Road

Block 542 Lot 29

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, Michael Piccirillo, on behalf of the property owner, Michael and Suzanne Valentino, filed an application for a variance for permission to allow construction of a garage addition at the above referenced property. The property is located in a R-1 Zoning District and, pursuant to 235-9B of the Zoning Ordinance, the application for the garage creates a front yard setback of 25' whereas 40' is required thus requiring a variance of 15'. Also the proposed garage is shown to have a side yard setback of 10' thus requiring a variance of 10'; and the addition will increase lot coverage of 21.89% thus requiring a variance for the 6.89% over the allowable maximum lot coverage of 15%. The portion of the proposed driveway leading to the new garage addition creates a parking area located within the required front yard and therefore a variance is required.

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 February 14, 2013 and at subsequent meetings, after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present either in person or indicated that they had listened to tapes of the meeting: Steven Lowenthal, Michael Strone, Ernest Fiore, Paul Katz, Paul Valentine, William Harold and Mark Fisher; 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

Z13-002
Valentino
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WHEREAS, at said Hearing, Steven Marcheson, 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 variances 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 new garage would not produce a detriment to the neighborhood.
- B) There were no objections from neighbors.
- C) The additions do not change the character of the neighborhood.
- D) The property to the right facing the house is not a buildable lot.
- E) We have granted other variances in the neighborhood that have expanded lot coverage in a manner similar to the variance that is being sought and this is a legally existing non-conforming lot.
- F) The variance relating to parking in the front yard is caused by the fact that there is a short stone wall located on the side of the driveway leading to the garage. Without the stone wall this variance would not be required and the addition of the wall is not significant and in fact improves the physical appearance of the property without adversely affecting any adjacent property.
- G) There is no other feasible location for the construction of a garage.

NOW THEREFORE BE IT RESOLVED, that the application for permission to allow the garage addition as indicated in the plans submitted with this application be, and the same is hereby 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.

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.

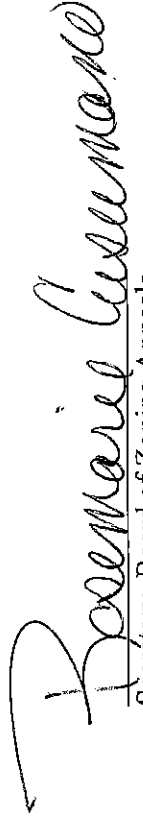
Foregoing Resolution submitted by William Harold, seconded by Paul Valentine at the 5/9/2013 meeting.

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

NAYS: None

ABSTAINED: None

ABSENT: Michael Strone


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

Z13-002
Valentino
5/9/13

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

Calendar No.: Z13-009

Date: May 9, 2013

Property Owners: Diane Dean & Pasquale Altamuro

Property Address: 105 Lakeview Ave.

Block 874 Lot 39

WHEREAS, the applicant, the property owner, filed a site plan for the proposed conversion of a one-family house to a two-family 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, Pasquale Altamura, filed an application on March 23, 2013 for a variance to convert a one-family house into a two-family house. The property is located in a B Zone. The Code of the Town/Village of Harrison, Sec 235-9 of dimensional regulations requires habitable floor area for each dwelling unit to be 1,200 sq. ft. The 2nd floor apartment is indicated to have a total habitable floor area of 900 sq. ft. thus requiring a variance of 300 sq. ft;

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 April 11, 2013 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were either present or listened to tapes of the meeting: Paul Katz, Ernest Fiore, William Harold, Mark Fisher, Michael Strone, 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:

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Altamuro
5/9/13

- (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 tax rolls indicate that, as of 1947, the property was reflected as a two-family dwelling.
- 2) As a result of the dwelling being occupied by only one family, the designation on the tax rolls was changed at some point in time to a one family.
- 3) The size of the undersized dwelling unit has not been changed since the dwelling was originally reflected on the tax rolls as a two-family dwelling.
- 4) There would be no apparent detriment to the surrounding properties.
- 5) There we no objections from the neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for permission to convert the residence from a one-family to a two-family dwelling 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.

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Altamura
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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.

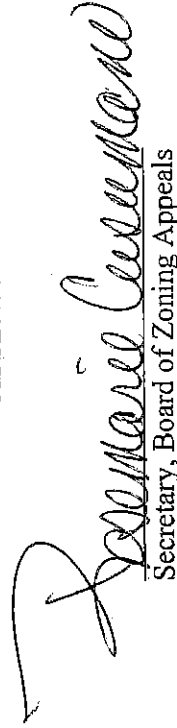
Foregoing Resolution submitted by Ernest Fiore, seconded by Steven Lowenthal at the 5/9/2013 meeting.

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

NAYS: None

ABSTAINED: None

ABSENT: Michael Strone


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

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Z13-009
Altamuro
5/9/13

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

Calendar No. Z13-010

Date: May 9, 2013

Property Owner: Christopher Marangi

Property Address: 50 Crawford Road
Harrison, New York 10528

Block 223 Lot #38

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, Christopher Marangi filed an application on March 23, 2013, for an area variance from the Zoning Ordinance to permit the location of a generator within the required side yard at the premises located in an R-1/3 Zoning District. The Code of the Town/Village of Harrison, Sec. 235-9B Table of Dimensional Regulations for the Residence Districts requires a side yard setback of 15 feet in an R-1/3 zone. The proposed generator is located approximately 12 feet from the property line requiring a variance of 3 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 April 11, 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;

*Z13-010
Marangi
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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 generator will be located behind an existing pad for air conditioning equipment, will be no closer to the adjacent property than the existing pad and will be screened from view from the adjacent property.
2. We have granted a similar variance with respect to the adjacent property.
3. The variance is of a de minimis nature.

NOW THEREFORE BE IT RESOLVED that the application for a variance to permit a generator to be located 13 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.

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.

Z13-010
Marangi
5/9/13

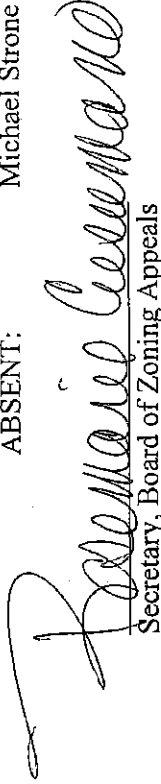
Foregoing Resolution submitted by Steven Lowenthal, seconded by Ernest Fiore at the meeting on May 9, 2013.

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

NAYS: None

ABSTAINED: None

ABSENT: Michael Strone



Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

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Z13-010
Marangi
5/9/13