

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, June 12, 2013, 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
William Harold
Paul Valentine

Members Absent

Paul Katz

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

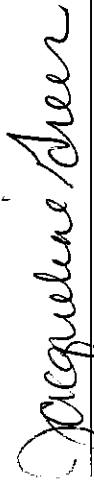
<u>Cal. #</u>	<u>Applicant</u>	<u>Block</u>	<u>Lot</u>	<u>Decision</u>
Z13-008	James Goulas	703	47	Heard – Adjourned to The July Meeting
Z13-012	Robert & Jennifer Pomroy	601	49	Variance Granted
Z13-013	Richard Goldstein	302	108	Variance Withdrawn
Z13-014	Brenda Fitzgerald	444	47	Heard – Closed – Findings being prepared

The next meeting was scheduled to July 10, 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

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

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

Calendar No. Z13-012

Date: June 12, 2013

Property Owner: Robert & Jennifer Pomroy

Property Address: 1 Timber Trail
Rye, New York 10520

Block #601 Lot # 49

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, Robert and Jennifer Pomroy, filed an application on April 15, 2013 for a variance from the Zoning Ordinance to permit construction of a shed with solar panels for storage and to enclose existing pool equipment. The property is located in an R-1 Zoning District. The Code of the Town/Village of Harrison, Sec 235-18B(2)(a) of the Regulations of the zoning Ordinance of the Town/Village of Harrison provides that no accessory structure in an R-1 District shall be located nearer to the street line than 75 feet. The proposed shed is shown to have a setback from the property line along Polly Park Road of 69 feet thus requiring a variance of 6 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 Heinenman Place, Harrison, New York, at 8:00 p.m., on May 9, 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:

Pomroy
Z13-012
6/12/13

- (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 §§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 a corner lot having street frontage on Timber Trail and Polly Park Road.
2. The pool equipment is existing and enclosing it would be a benefit to the neighborhood.
3. As a result of existing screening, the shed would not be visible from Polly Park Road.
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 6 foot variance to permit construction of a shed 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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Z13-012
6/12/13

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.

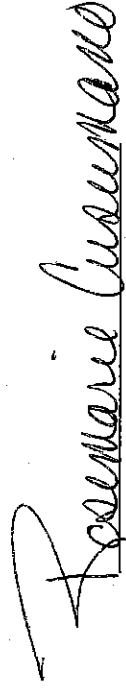
Foregoing Resolution submitted by Steven Lowenthal, seconded by Ernie Fiore at the meeting on June 12, 2013.


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

NAYS: None

ABSTAINED: None

ABSENT: Paul Katz


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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