

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, June 12, 2014, at 8:00 p.m., in the Court Room of the Municipal Building.

Members Present

Mark I. Fisher, Chairman
Paul Katz
Ernest Fiore
Steven Lowenthal
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>
Z14-001	Sally & Steve Paridis	951	11	Variance Granted
Z14-004	249 Halstead Avenue Properties	131	20, 21-23, 53, 54	Variance Granted
Z14-005	550 Halstead Ave Multi-Family	92	15	Heard – Closed - Findings being prepared
Z14-008	Charles Oestreicher	565	16	Variance Granted
Z14-010	Jerehian & Noreen Harrington	214	117	Variance Granted
Z14-011	Alfred & Margaret Kelly	563	13	Variance Granted
Z14-012	John & Susan McDonnell	472	2	Variance Granted
Z14-013	Belinda Defonce	286	5 & 6	Heard – Closed - Findings being prepared
Z14-015	Vincent Pizzimenti	402	60	Heard – Adjourned to the July Meeting

The next meeting was scheduled to July 10, 2014.

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

Jaqueline Chee
Town Clerk's Office

Rosemarie Cusumano
Rosemarie Cusumano, Secretary

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

2014 JUN 11 AM 9:50

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

Calendar No. Z14-001

Date: June 12, 2014

Property Owner: Steve & Sally Peridis

Property Address: 15 Sarosca Farm Lane
Purchase, New York 10577

Block 951

Lot #11

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, Sally Paridis filed an application on November 6, 2013, for an area variance from the Zoning Ordinance for permission to allow a fence at the above referenced property. This property is located in an R-2 Zoning District and, pursuant to §235-C(1) and §235-C(92) titled Fences and Walls in residence districts of the Zoning Ordinance of the Town/Village of Harrison, no fence or wall in a required front yard shall have a height greater than 4 feet. Also no fence or wall in a required rear or side yard shall have a height greater than 6 foot 6 inches. This application requires 2 variances. The portion of the fence installed in the required front yard has a height of 7 feet 6 inches thus requiring a variance of 3 feet 6 inches. The portion of the fence installed outside of the required front yard located in the required side yard has a height of 7 feet 6 inches thus requiring a variance of 1 foot.

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 March 13, 2014, April 10, 2014 and May 22, 2014, 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, Michael Strone, Steven Lowenthal, Paul Katz 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:

Z14-001
Peridis
6/12/14

- (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. The fence was installed in order to protect recently planted crabapple trees from being damaged by deer. Applicant has submitted a letter from an arborist indicating that at this point the trees are not mature enough so as to avoid being substantially damaged by browsing deer.
2. The fence is a temporary fence and all of the posts were installed with in-ground sleeves that can be easily removed.
3. The fence is located a substantial distance from any adjacent property and, in view of its temporary nature, will not create an adverse impact on any adjacent properties. Applicant has agreed to remove the fence at such point in time as the crabapple trees are mature enough so that deer are not able to reach the lower branches and thereby cause substantial damage.
4. As a result, the variance is being granted on a temporary basis.

NOW THEREFORE BE IT RESOLVED that the application for a variance to permit a temporary deer fence to be installed in and outside the required front yard as indicated in the plans submitted with this application be, and the same is hereby granted subject to the following conditions:

This variance shall lapse on the one year anniversary of the date this variance is recorded in the Clerk's office subject to renewal for an additional one year period on submission of a letter by the Applicant from a licensed arborist that the lower branches of the trees are not high enough so as to avoid substantial damage from browsing deer.

Z14-001
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Foregoing Resolution submitted by Paul Valentine, seconded by Paul Katz at the meeting on July 12, 2014.

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

NAYS: None

ABSTAINED: None

ABSENT: Michael Strone


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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PEREDIS

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

Calendar No. Z14-004

Date: June 12, 2014

Property Owners: 249 Halstead Avenue Properties

Property Address: 249 Halstead Avenue

Block 131 Lots 20, 21-23, 53,
54 and PO55

WHEREAS, the applicant, the property owner, filed site plans in order to construct a commercial building and provide for off-street parking and those applications were denied by determinations of Harrison's Building Inspector (the administrative official charged with the enforcement of Harrison's Town Code, Chapter 235 (Zoning)) that the applications did not strictly comply with the Code's requirements, and

WHEREAS, applicant proposes to construct a building consisting of 7,246 square feet of retail space and provide for a parking area in the rear of the property; and

WHEREAS, the property consists of a number of lots several of which are located in a CBD Zoning District and some of which are located in a B Zoning District; and

WHEREAS, the Building Inspector determined that a variance would be required pursuant to Section 235-7J of the Ordinance in order to extend the CBD Zoning District into the portion of the property located in the B District; and

WHEREAS, as per 235-18-C(1) Titled Accessory off-street parking in Business districts, accessory off-street parking areas may be located in required front or rear yards and in required front yards which do not adjoin a residence district, provided that they are setback at least (10) feet from all property lines and further provided that they do not encroach on required landscaped areas or buffer strips. Also, as per 235-24-F, in PB, NB and CBD Business Districts, the required ten foot setback for off-street parking area shall include a continuous landscape strip, except at access points, not less than five feet wide, designed to partially screen such off street parking areas. Also as per 235-41-C Schedule of Minimum Dimensions for Parking Spaces with a Two-Way Aisle Width of (24) feet, the Space Width must be (9) feet and the Stall Depth must be (19) feet. The application with respect to the parking requires the following variances:

- (1) the proposed parking area indicates a side yard setback (0) feet, thus requiring a variance of (10) feet; and
- (2) the proposed parking area indicates a buffer strip of (0) feet, thus requiring a variance of (5) feet.

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249 Halstead Avenue
6/12/14

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 March 13, 2014, May 22, 2014 and June 12, 2014 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were either present in person or indicated that they had listened to tapes of the meeting: Mark Fisher, Paul Katz, Ernest Fiore, Steven Lowenthal and Paul Valentine; and

WHEREAS, the Board reviewed the Planning Board Resolution (PB 2009/95), dated December 15, 2009, in which the Planning Board confirmed its intention to act as the Lead Agency within the meaning of the New York State Environmental Quality Review Act, and determined that the action was an Unlisted Action and would not have a significant effect on the environment for the reasons enumerated in an Negative Declaration attached to the Resolution; and

WHEREAS, Board Members had inspected the site; and

WHEREAS, at said Hearing, the applicant appeared in support of the variance and a neighbor 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 consider the requested variances and that the variances sought were 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.

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249 Halstead Avenue
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The Board found that:

1. The Building Inspector determined that the provisions of Section 235-7J of the Ordinance are the relevant provisions for purposes of considering this variance. That section provides as follows:

“When a district boundary line divides a lot in a single ownership at the effective date of this chapter or any subsequent amendment thereto, except as provided in § 235-71, the Board of Appeals may permit an extension into one district of a lawful conforming use existing in the other district, as hereinafter provided in § 235-61A.”
2. The lots which are the subject of this application are held in common ownership and, accordingly, the plain language of Section 235-7J is applicable. As a result, we believe that it is appropriate to apply the criteria for the granting of an area variance under the provision of Section 235-61A of the Ordinance. In doing so, we construe the provision of Section 235-7J as not requiring us to apply the more stringent requirements that would be applicable in the case of a use variance.
3. We have previously granted a variance pursuant to Section 235-7J to allow the extension of the CBD District into the B Zone in connection with this property (Calendar Z09-041). That variance was granted in connection with a proposed building with both retail space and residential units. The current application includes the construction of a building with only retail space. However, we find that the same considerations that were applicable to the original variance are equally applicable to the current application.
4. The Planning Board has referred this matter to us with a positive recommendation.
5. The site in question was previously occupied by a garden center and is now a vacant lot. The property extends from Halstead Avenue, which is located in the downtown commercial district, to Fremont Street. Fremont Street contains both commercial properties as well as residential properties. The portion of the property bordering on Fremont Street is located in a B Residential Zone.
6. The portion of the property located in the B Zone is a small irregularly shaped lot and there is some doubt as to whether this plot could be successfully developed for a single family home which is the requirement for B district.
7. We are cognizant of the potential impact that the granting of a variance would have on the residential properties located on Fremont Street. In order to address these concerns, we are specifically conditioning the granting of this variance on (a) the erection of a gate at the Fremont Street entrance to the property with access to the gate only being afforded to retail tenants, (b) requiring that all deliveries to the

Z14-004
249 Halstead Avenue
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retail tenants be made by way of Halstead Avenue and (c) installation and maintenance of screening and grassy areas.

8. The Planning Board has already concluded that the project will not have an adverse impact on the physical or environmental conditions of the neighborhood.
9. The construction of this project will have a beneficial effect on the downtown area of Harrison and improve the appearance of what is now a vacant lot located in the middle of the downtown area.
10. Although not dispositive, the applicant has previously made a showing of economic hardship with respect to the development of the site absent the requested variance.
11. Without the granting of this variance it would be difficult for applicant to successfully develop this project. Although the building configuration has changed since the previous variance was granted as a result of the elimination of the residential units, the underlying considerations that resulted in the previous approval have not.

NOW THEREFORE BE IT RESOLVED, that the applications for variances (1) to extend the CBD District into the portion of the property located in the B District and (2) to provide for a 10 foot side yard variance and a 5 foot buffer strip variance, as provided in plans filed with this application be, and they hereby are granted subject to following:

This variance is specifically granted on the conditions that (i) a gate is erected, and continuously maintained, at the Fremont Street entrance with access being afforded only to retail tenants, (ii) all deliveries to commercial tenants be made on Halstead Avenue and (iii) screening and grassy areas are installed and maintained in accordance with the plans filed with this application. The failure to satisfy any of these conditions shall result in a revocation of this variance.

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.

Z14-004
249 Halstead Avenue
6/12/14

An application for an extension of these periods may be granted by the Board of Zoning Appeals if the applicant shows good cause 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 Paul Valentine, seconded by Steven Lowenthal at the June 12, 2014 meeting.


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

NAYS: None

ABSTAINED: None

ABSENT: Michael Strone


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

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Z14-004
249 Halstead Avenue
6/12/14

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

Calendar No. Z14-008

Date: June 12, 2014

Property Owner: Charles Oestreicher

Property Address: 6 Park Drive South

Block 565, Lot 16

WHEREAS, the applicant, the property owner, filed an application for a proposed fence 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, Charles Oestreicher, the property owner, filed an application on March 5, 2014 for an area variance from the Zoning Ordinance to permit construction of a stone wall and gate. This property is located in an R-1 Zoning District and pursuant to §235-26(C) of the Zoning Ordinance of the Town/Village of Harrison no Fence or Wall in a required front yard shall have a height greater than 4 feet. The proposed stone wall at the hinge and latch side of the wall is 4'6" thus requiring a variance of 6". Furthermore the height of the ornamental gate is 5'3" thus requiring a variance of 15".

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 10, 2014 and May 22, 2014 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, Paul Katz, Ernest Fiore, Michael Strone, Steven Lowenthal and Paul Valentine; 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, 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;

Z14-008
Oestreicher
6/12/14

- (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 stone wall at the hinge and latch side of the wall (but not on the side facing Park Drive South) is 4'6". In addition, the small middle portion of the ornamental gate (but not the remainder of the gate) is 5'3". As a result, the excess height of the wall and gate are of a de minimis nature and will not change the character of the neighborhood or be detrimental to nearby properties.
2. There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for variances to permit construction of a stone wall and gate 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.

Z14-008
Oestretcher
6/12/14

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 June 12, 2014 meeting.

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

NAYS: None

ABSTAINED: None

ABSENT: Michael Strone


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

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Z14-008
Oestreich
6/12/14

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670-3054

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

Calendar No. Z14-010

Date: June 12, 2014

Property Owner: Jeremiah Harrington

Property Address: 58 South Road

Block 214 Lot 117

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, Jeremiah Harrington filed an application for a variance for the construction of an addition and alteration of the existing house at the above referenced property. The property is located in an R-1/3 Zoning District. Pursuant to 235-9B of the Zoning Ordinance, (1) the expansion of the existing garage reduces the side yard to 13 feet thus requiring a variance of 17 feet and (2) the expansion of the garage combined with the creation of two covered porches increases the lot coverage to 22.3% thus requiring a variance for the 2.3% overage over the permitted lot coverage; 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 April 10, 2014 and May 22, 2014 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present in person or listened to tapes of the meeting: Steven Lowenthal, Paul Katz, Paul Valentine, Ernest Fiore, Michael Strone 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

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

*Z14-010
Harrington
June 12, 2014*

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. Applicant's property is located on a corner lot at the intersection of South Road and Garden Road. The front of the house faces South Road. However, since the property is located on a corner lot, for zoning purposes applicant is deemed to have two front yards and is required to comply with the 30 foot front yard setback requirements for Garden Road (as well as South Road) rather than the 15 foot side yard requirement.
2. The existing garage is legally non-confirming with respect to the setback from Garden Road and is located approximately 20.9 feet from the property line. Applicant is proposing to extend the garage for an additional 7.9 feet towards Garden Road so that it would be located 13 feet from the property line and thereby require a 17 foot variance.
3. Between the property line and Garden Road there is an existing row of pine trees. As a result, the addition to the garage will be totally screened from view from Garden Road as well as from the house located across Garden Road. As support for this finding, we note that applicant erected scaffolding to simulate the exact height and size of the garage addition. We also note that the area between the property line and the road bed for Garden Road is approximately 10 feet wide.

Z14-010
Harrington
June 12, 2014

4. As a result of the foregoing, the granting of the variance for the garage will not change the character of the neighborhood or create a detriment to nearby properties.

5. The second variance relates to the 20% lot coverage requirement. The additions to the house will increase the square footage to 2,750 square feet as compared to the 2,469 square feet required in the Ordinance. The 281 square foot coverage results in lot coverage of 22.3% which, on its own, represents a 11.4% (281/2,469) deviation, which, solely from a numerical standpoint, is not insubstantial. However, more than 100 feet of the excess is attributable to the erection of canopies over the front door and another door at the front of the house. Without the inclusion of canopies the excess square footage would be substantially reduced. We believe that the addition of the canopies substantially improves the visual appearance of the house and the elimination of the canopies solely for the purposes of reducing the extent of the lot coverage variance does not appear to be a useful exercise. Taking these factors into consideration, the granting of the lot coverage variance does not change the character of the neighborhood or create a detriment to nearby properties.

6. There were no objections from any adjacent property owners.

NOW THEREFORE BE IT RESOLVED, that the application for front yard and lot coverage variances to allow construction of the addition and alterations 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.

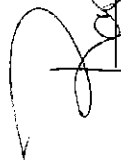
Construction shall be deemed to have begun when all required footings and foundations have been completed, or when actual work of a substantial nature has begun on projects that do not require footings or foundations. Site preparation shall not satisfy the terms of this condition. Construction shall 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.

Z14-010
Harrington
June 12, 2014

Foregoing Resolution submitted by Ernest Fiore, seconded by Steven Lowenthal at the 6/12/2014 meeting.

ADOPTED: AYES: Mark Fisher, Ernest Fiore, Paul Katz, Steven Lowenthal and Paul Valentine
NAYS: None
ABSTAINED: None
ABSENT: Michael Strone


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

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Z14-010
Harrington
June 12, 2014

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

Calendar No. Z14-011

Date: June 12, 2014

Property Owner: Alfred & Margaret Kelly

Property Address: 22 Park Drive South

Block 563, Lot 13

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, Alfred & Margaret Kelly filed an application for a variance to allow construction of a rear yard addition at the above referenced property. This property is located in an R-1 Zoning District and is non-conforming with regard to its lot size and setbacks and pursuant to 235-9(B) of the Zoning Ordinance of the Town/Village of Harrison the minimum required rear yard setback is 50 feet. The proposed rear addition of a kitchen and covered porch to the existing house reduces the existing non-conforming rear yard setback of 45.1 feet to 31 feet 4.5 inches thus requiring a variance of 18 feet 7.5 inches; 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 May 22, 2014 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 and Paul Valentine; 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

WHEREAS, the Board reviewed all testimony and documents submitted and have carefully considered:

*Z14-011
Kelly
6/12/14*

- (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 property backs up on the golf course for the Westchester Country Club and will not have an impact on any adjacent residences.
2. As a result, the addition will not create an undesirable change in the character of the neighborhood or be detrimental to nearby properties.
3. The requested variance is similar to a rear yard variance that we previously granted with respect to a nearby property that also backs up on the Westchester Country Club.

NOW THEREFORE BE IT RESOLVED, that the application for a rear yard variance to allow construction of a rear yard kitchen addition and covered porch 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.

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Kelly
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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.

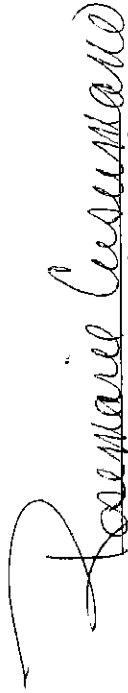
Foregoing Resolution submitted by Steven Lowenthal, seconded by Ernest Fiore at the June 12, 2014 meeting.

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

NAYS: None

ABSTAINED: None

ABSENT: Michael Strone


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.

Z14-011
Kelly
6/12/14

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

Calendar No. Z14-012

Date: June 12, 2014

Property Owner: John & Susan McDonnell

Property Address: 105 Pleasant Ridge Rd.

Block 472 Lot 23

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 & Susan McDonnell filed an application for a variance for the construction of a one story kitchen and garage addition at the above referenced property. The property is located in an R-1 Zoning District and is on the corner of Pleasant Ridge Rd. and Justin Rd. It is existing non-conforming. Pursuant to 235-9B of the Zoning Ordinance, the addition creates a setback of 31.75' where 40' is required from Justin Rd. thus requiring a variance of 8.25'.

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 May 22, 2014 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present in person or listened to tapes of the meeting: Steven Lowenthal, Paul Katz, Paul Valentine, Ernest Fiore, Michael Strone 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

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:

*Z14-012
McDonnell
June 12, 2014*

- (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. Although the proposed addition will be located 31.75 feet from the property line, the addition is located more than 40 feet from Justin Road. This is because there is an approximately 10 foot wide grass covered right of way easement running along the side of applicant's property on Justin Road that is held by the Town. Accordingly, from a visual standpoint the new addition will be located more than 40 feet from Justin Road and the granting of the variance will not create an undesirable change in the neighborhood or create a detriment to neighboring properties.
2. There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application a side yard variance to allow construction of the 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.

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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 6/12/2014 meeting.


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

NAYS: None

ABSTAINED: None

ABSENT: Michael Strone


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

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McDonnell
June 12, 2014

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