

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, August 14, 2014, at 8:00 p.m., in the Court Room of the Municipal Building.

Members Present

Paul Katz, Acting Chairman
Ernest Fiore
Michael Strone
Steven Lowenthal
Paul Valentine
Tom Foristel

Members Absent


Mark I. Fisher, Chairman

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>
Z14-015	Vincent Pizzimenti	402	60	Variance Granted
Z14-019	Faith Miller	604	29	Variance Granted
Z14-020	Michael & Leslie Welhoelter	545	16	Variance Granted
Z14-021	Memorial Hospital for Cancer	631	7	Heard – Closed – Findings being prepared

The next meeting was scheduled to September 11, 2014.

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


Maggie Marzo, Deputy
Town Clerk's Office

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

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OFFICE

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

Calendar No. Z14-015

Date: August 14, 2014

Property Owner: Vincent Pizzimenti

Property Address: 333 Harrison Avenue

Block 402 Lot 60

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, Vincent Pizzimenti, filed an application on May 20, 2014 for an area variance from the Zoning Ordinance to permit the construction of a new house on the property. The property is located in an R-75 Zoning District and pursuant to §235-9(B) of the Table of Dimensional Regulations of the Town/Village of Harrison the minimum required lot width at the building setback line is 70 feet and as per the definition of lot width the minimum required lot width shall be maintained from the minimum front yard setback for a distance of 35 feet. The lot width for the proposed house location as shown on the site plan indicates a lot width at the minimum front yard setback from Hyatt Ave to be approximately 70 feet and a lot width of approximately 65 feet at the required 35 foot distance. Accordingly, a 5 foot variance is required with respect to lot width at the 35 foot distance; 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 June 12, 2014 and July 10, 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, 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

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Pizzimenti

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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 property, which is a corner lot, is part of a two-lot subdivision approved by the Planning Board. We have previously granted a variance (Calendar Z12-011) for the adjacent property located on Hyatt Avenue. The variances granted by us for the adjacent property included a 4.87 foot lot width variance at the required 35 foot distance from the front yard setback. The prior lot width variance granted by us is essentially equivalent to the 5 foot lot width variance now being sought.
2. In connection with the prior variance application, applicant had also sought a number of variances with respect to the property that is the subject of this application. However, that application, which was premised on the designation of Harrison Avenue as the front of the lot to zoning purposes, was withdrawn. In connection with the withdrawal of that application, we recommended that the architectural plans be reconfigured to provide for the front of the house to face Hyatt Avenue which would obviate the necessity for the very substantial variances previously sought.
3. Applicant has now reconfigured the plans and Hyatt Avenue is now considered the front of the lot for zoning purposes. Applicant was entitled to make that designation since the property is a corner lot. Although the front of the house faces Harrison Avenue, the driveway to the house is accessed from Hyatt Avenue. This result is consistent with our prior recommendation which was designed to minimize the extent of

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the variance sought while at the same time avoiding the necessity of having the driveway located on Harrison Avenue which is a very busy street.

4. The variance is not substantial.
5. Granting of the variance will not change the character of the neighborhood.

NOW THEREFORE BE IT RESOLVED, that the application for a lot width variance to permit construction of a house in accordance with 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 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.

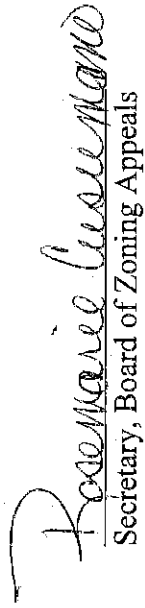
Foregoing Resolution submitted by Michael Strone, seconded by Ernest Fiore at the 8/14/2014 meeting.

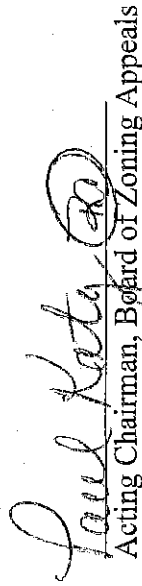
ADOPTED: AYES: Paul Katz, Ernest Fiore, Michael Strone, Steven Lowenthal, Paul Valentine, and Tom Foristel

NAYS: None

ABSTAINED: None

ABSENT: Mark Fisher


Secretary, Board of Zoning Appeals


Acting Chairman, Board of Zoning Appeals

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Pizzimenti
8/14/14

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PLANNING DEPARTMENT

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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Pizzimenti
8/14/14

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

Calendar No. Z14-019

Date: August 14, 2014

Property Owner: Faith Miller

Property Address: 10 Puritan Road

Block 604 Lot 29

WHEREAS, the applicant, the property owner, applied for a Building Permit for the installation of a generator 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, Faith Miller filed an application on June 16, 2014, for an area variance from the Zoning Ordinance. This property is located in an R-1 Zoning District and pursuant to §235-9(B) of the Table of Dimensional Regulations of the Zoning Ordinance of the Town/Village of Harrison no lot in the R-1 Residence Districts in Block 591, 592, 601, 603 and 604 shall be less than 200 feet in width or frontage with a minimum front yard of 50 feet and minimum side yard of 50 feet. The proposed generator installation reduces the side yard setback to 46 feet 6 inches therefore requiring a variance of 3 feet 6 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 June 10, 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, Paul Valentine and Tom Foristel.

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;

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Miller
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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 in the side yard alongside and behind (when viewed from Puritan Road) the existing air conditioning unit.
2. The generator will be fully screened from view by the side yard neighbor.
3. Accordingly, the granting of the variance will not create an undesirable change in the character of the neighborhood or a detriment to nearby properties.
4. The variance is not substantial.
5. There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED that the application for a variance to permit a generator to be located 46 feet, 6 inches 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.

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Miller
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An application for an extension of these periods may be granted by the Board of Zoning Appeals if good cause is shown by the applicant and, if in the Board's judgment, the facts and circumstances which existed at the time of the original application have not materially changed.

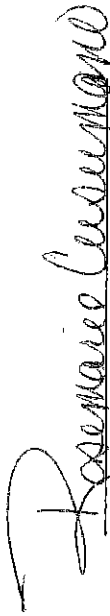
Foregoing Resolution submitted by Michael Strone, seconded by Tom Foristel at the meeting on August 14, 2014.

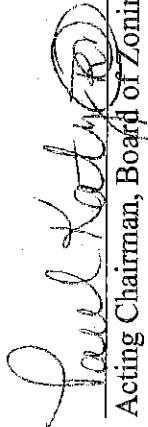
ADOPTED: AYES: Paul Katz, Ernest Fiore, Michael Strone, Steven Lowenthal, Paul Valentine, and Tom Foristel

NAYS: None

ABSTAINED: None

ABSENT: Mark Fisher


Secretary, Board of Zoning Appeals


Acting Chairman, Board of Zoning Appeals

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MUNICIPAL
BUILDING DEPT.

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Miller
8/14/14

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

Calendar No. Z14-020

Date: August 14, 2014

Property Owner: Michael & Leslie Welhoelter

Property Address: 521 Purchase Street

Block 545 Lot 16

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 & Leslie Welhoelter filed an application for a variance for permission to allow the replacement of a patio with a new larger deck at the above referenced property. The property is located in an R-1 Zoning District and pursuant to 235-9B of the Zoning Ordinance, the minimum rear yard setback is 50'. The proposed deck reduces the rear yard setback to 35.4' thus requiring a 14.6' variance.

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 July 10, 2014 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present: Paul Katz, Thomas Foristel, Steven Lowenthal, Michael Strone, Ernest Fiore, 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:

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Welhoelter
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- (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 new deck would not change the character of the neighborhood.
- B) The backyard area has adequate screening and the deck will not be visible from any adjacent property.
- C) There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for a rear yard variance to allow construction of a new patio 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.

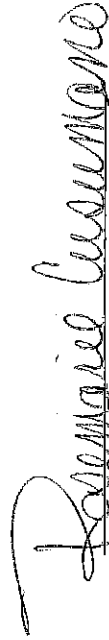
Foregoing Resolution submitted by Ernest Fiore, seconded by Paul Valentine at the 8/14/2014 meeting.

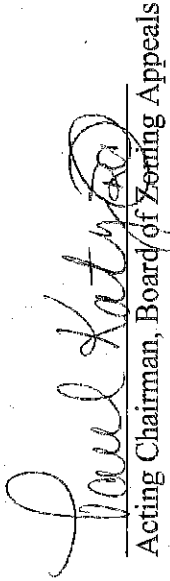
ADOPTED: AYES: Paul Katz, Ernest Fiore, Michael Strone, Steven Lowenthal, Paul Valentine, and Tom Foristel

NAYS: None

ABSTAINED: None

ABSENT: Mark Fisher


Secretary, Board of Zoning Appeals


Acting Chairman, Board of Zoning Appeals

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TOWN OF
HARMONVILLE

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