

ZONING BOARD OF APPEALS

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

Members Present

Mark I. Fisher, Chairman
Ernest Fiore
Michael Strone
William Harold
Paul Valentine

Members Absent

Paul Katz
Steven Lowenthal

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>
Z13-016	Maeve & William Fegan	567	30	Variance Granted
Z13-017	Greg & Ashley Jakubowsky	543	7	Re-opened – Heard – Closed – Findings being prepared
Z13-021	Lisa Davidoff	312	15	Variance Granted

The next meeting was scheduled to September 12, 2013.

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

Jacqueline Sheer
Town Clerk's Office

Rosemarie Cusumano
Rosemarie Cusumano, Secretary

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. Z13-021

Date: August 8, 2013

Property Owner: Brad and Lisa Davidoff

Property Address: 33 Braxmar Drive South
Harrison, New York 10528

Block 312 Lot 15

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, Lisa Davidoff filed an application on May 10, 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 Zoning District. The Code of the Town/Village of Harrison, Sec. 235-9B Table of Dimensional Regulations for the Residence Districts requires a minimum required setback for a property abutting a corner lot of 40 feet in an R-1 zone. The property has an existing legally non-conforming setback along Braxmar Drive of 30.9 feet and the location of the proposed generator will further reduce the setback to approximately 24 feet thus requiring an additional variance of 6.9 feet or a total variance of 16 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 July 10, 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;

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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 property is a corner lot and is existing non-conforming with regard to setbacks.
2. The generator will be located adjacent to an air conditioning pad and will be fully screened from any view from any adjacent property as well as from Braxmar Drive.

NOW THEREFORE BE IT RESOLVED that the application for a variance to permit a generator to be located 24 feet from the property line as indicated in the plans submitted with this application be, and the same is hereby granted subject to the following conditions:

Except as specifically set forth above, nothing herein shall be construed to indicate this Board's approval of any architectural, design, or structural elements of the submitted plan.

This variance shall lapse unless construction begins within one year from the date this variance is recorded in the Clerk's Office and is completed no more than two years from said date.

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

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

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Foregoing Resolution submitted by Michael Strone, seconded by Paul Valentine at the meeting on August 8, 2013.

ADOPTED: AYES: Mark Fisher, Ernest Fiore, Michael Strone and Paul Valentine

NAYS: None

ABSTAINED: William Harold

ABSENT: Paul Katz, Steven Lowenthal


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

Calendar No.Z13-016

Date: August 8, 2013

Property Owner: Maeve & William Fegan

Property Address: 185 Polly Park Rd. Block 567 Lot 30

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, Maeve & William Fegan, filed an application on May 9, 2013 for a variance from the Zoning Ordinance to legalize an existing nonconforming swimming pool and pool patio located on 185 Polly Park Rd. The Zoning Code provides that in an R-1 district, no swimming pools shall be located within 20 feet of the side and rear property lines and no accessory structure shall be located within 15 feet of the rear property line. The proposal requires 2 variances: The pool is located 15.1' from the side property line thus requiring a variance of 4.9' and the pool patio is located 9.7' from the rear property line thus requiring a variance of 5.3'; 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 7:30 p.m., on July 10, 2013 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present or indicated that they had listened to tapes of the meeting: Paul Valentine, Ernest Fiore, Mark Fisher, Paul Katz, Steve Lowenthal, Michael Strone and William Harold

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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- (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) Only a small portion of the pool and the patio falls within the required setback.
- B) The pool was originally constructed in 1973.
- C) The property is undergoing an extensive renovation
- D) There would be no apparent detriment to the surrounding properties or the neighborhood.
- C) There were no objections from any of the neighbors.
- D) The rear of the property is heavily wooded and neither the pool nor the patio are visible from any adjacent property.

NOW THEREFORE BE IT RESOLVED, that the application for permission to legalize an existing swimming pool and 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.

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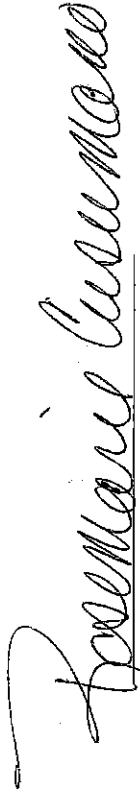
Foregoing Resolution submitted by Ernest Fiore, seconded by Paul Valentine at the 8/8/2013 meeting.

ADOPTED: AYES: Mark Fisher, Ernest Fiore, Michael Strone and Paul Valentine

NAYS: None

ABSTAINED: William Harold

ABSENT: Paul Katz, Steven Lowenthal



Secretary, Board of Zoning Appeals



Chairman, Board of Zoning Appeals

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