

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, September 12, 2013, at 8:00 p.m., in the Court Room of the Municipal Building.

Members Present
Mark I. Fisher, Chairman
Ernest Fiore
Paul Katz
Michael Strone
Steven Lowenthal
Paul Valentine

Members Absent
William Harold

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>
Z13-006	Vasilios Skamangas	223	39	Not Heard – Adjourned to the October Meeting
Z13-008	James Goulas	703	1	Not Heard – Adjourned to the October Meeting
Z13-017	Greg & Ashley Jakubowsky	543	7	Variance Granted
Z13-019	Archibald & Boragine	508	20	Not Heard – Adjourned to the October Meeting
Z13-020	Gary Brandt	592	9	Heard – Closed – Findings being prepared
Z13-022	Trattoria 632	644	21	Not Heard – Adjourned to the October Meeting
Z13-023	Faye & Steven Turitz	441	144	Heard – Closed – Findings being prepared
Z13-024	Mottarella & Etre	31	10	Not Heard – Adjourned to the October Meeting
Z13-025	Domenick & Susan Ciaccia	444	2	Heard – Closed – Findings being prepared

The next meeting was scheduled to October 17, 2013.

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

Jacqueline Sheen
 Town Clerk's Office

Rosemarie Cusumano
 Rosemarie Cusumano, Secretary

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

Calendar No. Z13-017

Date: September 12, 2013

Property Owner: Greg and Ashley Jakubowsky

Property Address: 101 Park Drive North Block 543 Lot #7
Harrison, New York 10528

WHEREAS, 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, Doug Wilk, on behalf of the property owner, filed an application on June 14, 2013, for area variances from the Zoning Ordinance to permit construction of a proposed addition/renovation to the existing house, a patio addition and a new pool installation as follows:

The property is located in a R-1 Zone. The house is existing non-conforming with regard to its setback of 34.4 feet from the property line along Polly Park Road. The property also has street frontage on three sides. Pursuant to 235-9(B) of the Table of Dimensional Regulations of the Town/Village Harrison Zoning Ordinance the primary front yard setback along any property line abutting a street is 40 feet. Also as per 235-28-A the setback for swimming pools in an R-1 Zone is 75-feet.

This application requires 3 variances.

Variance 1: The proposed addition to the existing house will reduce the setback along Polly Park Road to 18.7 feet thus requiring a variance of 21.3 feet.

Variance 2: The proposed patio addition will reduce the setback along Polly Park Road to 17.5 feet thus requiring a variance of 22.5 feet.

Variance 3: The proposed pool is indicated to have a setback along Polly Park Road of 37 feet thus requiring a variance of 38 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 and August 8, 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

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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 variances, one neighbor sent a letter opposing the variances; 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;
- (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 grant 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. This property is unique in that it is a triangular lot that has three front yards, including the side of the property that borders on Polly Park Road.
2. All of the variances being requested relate to the required set-back from Polly Park Road. The existing house is non-conforming with respect to the set back from Polly Park Road in that there is a 34.4 foot set-back as compared to the 40 foot required by the Ordinance.
3. Polly Park Road is a major street with a significant amount of traffic. With the exception of an existing driveway which leads from the property to Polly Park Road, the remainder of the property bordering on Polly Park Road contains a significant number of large trees providing screening from Polly Park Road as well as adjacent properties located across Polly Park Road.

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Applicant is proposing to close off the existing driveway and install additional screening, consisting of 6 new evergreens (with a minimum height of 10 feet), to further minimize views from Polly Park Road and adjacent properties into the property.

4. We believe that the existing screening, as enhanced by the additional screening, should adequately address any adverse visual impact on adjacent properties as a result of the location of the addition, the patio and the pool within the required set-back.

5. An adjacent property owner whose house is located across Polly Park Road raised a concern about the visual impact on his property of the proposed addition. However, the front of that property faces Purchase Street and we believe that any visual impact or the side of the property is adequately addressed by the screening referred to above. In addition, the height of the new addition complies with the height requirements of the Ordinance.

6. With respect to the pool variance, applicant is proposing to remove an existing pool located 22.4 feet from the street line and in its stead install a new pool located 37 feet from the street line. As a result, the new pool would be closer to conforming with setback requirements and, as set forth above, will not create an adverse visual impact on adjacent properties. In addition, as a result of the fact that the property is bounded by a number of streets, there is very limited space on the property for a new location for the swimming pool.

NOW THEREFORE BE IT RESOLVED that the application for variances to permit construction of a proposed addition to the existing house, a patio and a pool as indicated in the plans submitted with this application be, and the same are hereby granted subject to the following conditions:

The continued maintenance of the new screening provided for in the plans.

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

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and circumstances which existed at the time of the original application have not materially changed.

Forgoing Resolution submitted by Steven Lowenthal, seconded by Paul Valentine at the meeting on September 12, 2013.

ADOPTED: AYES:

Mark Fisher, Ernest Fiore, Paul Katz, Michael Strone, Steven Lowenthal and Paul Valentine

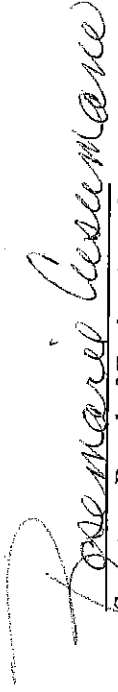
NAYS:


None

ABSTAINED:

William Harold

ABSENT:


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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