

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, October 17, 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
William Harold
Paul Valentine

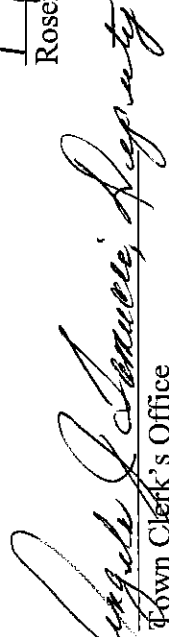
Members Absent

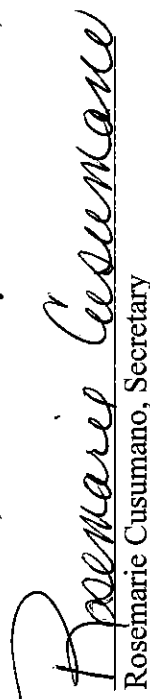
The Chairman called the meeting to order at 8:00 p.m.

<u>Cal. #</u>	<u>Applicant</u>	<u>Block</u>	<u>Lot</u>	<u>Decision</u>
Z13-006	Vasilios Skamangas	223	39	Not Heard – Removed off Agenda
Z13-008	James Goulas	703	1	Heard – Adjourned to the November Meeting – Findings being prepared
Z13-019	Archibald & Boragine	508	20	Heard – Adjourned to the November Meeting
Z13-020	Gary Brandt	592	9	Variance Granted
Z13-022	Trattoria 632	644	21	Not Heard – Removed off Agenda
Z13-023	Faye & Steven Turitz	441	144	Variance Granted
Z13-024	Mottarella & Etre	31	10	Heard – Closed – Findings being prepared
Z13-025	Domenick & Susan Ciaecia	444	2	Variance Granted
Z13-026	MichelAngelo Iannacchino	1031	1	Heard – Adjourned to the November Meeting
Z13-027	Carol Ann Garfield	611	74	Heard – Closed – Findings being prepared
Z13-028	Amy Podolak	508	62	Heard – Closed – Findings being prepared

The next meeting was scheduled to November 14, 2013.

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


 Angela J. Lancia, Deputy
 Town Clerk's Office


 Rosemarie Cusumano, Secretary

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

Calendar No. Z13-020

Date: October 17, 2013

Property Owner: Gary Brandt

Property Address: 3 Mittman Road Block 592 Lot 2
Harrison, New York 10528

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, Gary Brandt filed an application on June 17, 2013, for an area variance from the Zoning Ordinance. This property is located in the R-1 Zoning District with a Block number of 592. Pursuant to §235-0(B) footnote 2 of the Table of Dimensional Regulations of the Zoning Ordinance of the Town/Village of Harrison. No lot in the R-1 Residence District in Blocks 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 is shown to have a side yard setback of 37.7 feet thus requiring a variance of 12.5 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 Heineman Place, Harrison, New York, at 8:00 p.m. on September 12, 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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Brandt
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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 located in the R-1 Zone with a Block number of 592 and has special setbacks.
2. The generator will be located in the side yard and the affected neighbor is a synagogue which is located approximately 400 feet away from the generator.
3. The generator will be located in a gully and will be fully screened from view from any adjacent property.

NOW THEREFORE BE IT RESOLVED that the application for a variance to permit a generator to be located 37.7 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

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

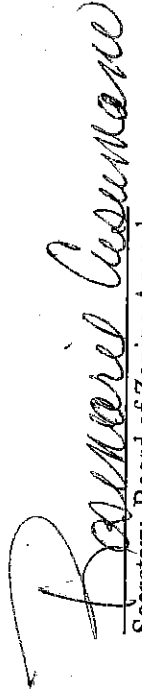
Foregoing Resolution submitted by Michael Strone, seconded by Steven Lowenthal at the meeting on October 17, 2013.

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

NAYS: None

ABSTAINED: None

ABSENT: None


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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Z13-020
Brandt
10/17/13

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

Calendar No. Z13-023

Date: October 17, 2013

Property Owner: Faye & Steven Turitz

Property Address: 12 Shawnee Trail

Block 441 Lot 144

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, Faye & Steven Turitz, filed an application on June 24, 2013 for a variance from the Zoning Ordinance to install a generator located at 12 Shawnee Trail. This property is located in an R-1/3 Zoning District. The house is existing non-conforming with regard to its side yard setback. Pursuant to §235-(9)(B) of the Table of Dimensional Regulations of the Town/Village of Harrison Zoning Ordinance the minimum required side yard setback is 15 feet. The proposed generator will reduce the side yard setback to 9 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 Heineman Place, Harrison, New York, at 7:30 p.m., on September 12, 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: Mark Fisher, Paul Valentine, Ernest Fiore, 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

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Turitz
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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:

- A) The property is existing non-conforming with regard to its side yard setbacks.
- B) The most adjacent neighbor appeared before the Board and had no objection to the location of the generator.
- C) Potential flooding issues in the back yard affected the ability to install the generator in that location.
- D) There would be no apparent detriment to the surrounding properties or the neighborhood.

NOW THEREFORE BE IT RESOLVED that the application for a variance to permit a generator to be located 9 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.

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Turitz

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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.

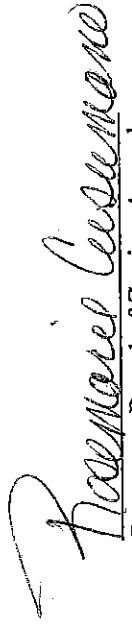
Foregoing Resolution submitted by Steven Lowenthal, seconded by William Harold at the October 17, 2013 meeting.

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

NAYS: None

ABSTAINED: None

ABSENT: None


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

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HARRISON, N.Y.

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Turitz
10/17/13

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

Calendar No. Z13-025

Date: October 17, 2013

Property Owner: Dominick & Susan Ciaccia

Property Address: 17 Homestead Pl.

Block 444 Lot 2

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, Domenick & Susan Ciaccia, filed an application on August 13, 2013 for an area variance from the Zoning Ordinance to permit the construction of a parking area located in an R-1/3 Zoning District. The Code of the Town/Village of Harrison, Sec 235-18B for Residence Districts requires that accessory off-street parking spaces, other than those which might be incidentally available within the actual driveway area, shall not be located within any front yard or required side yard within 10 feet from any property line in a required rear yard. Also, as per 235-9B of the Table of Dimensional Regulations, the minimum required front yard setback is 30 feet. The parking court located in the required front yard having a setback of 5 feet requires a variance of 25 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 Heineman Place, Harrison, New York, at 8:00 p.m., on September 12, 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 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

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Ciaccia
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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:

- (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) Available parking on the street and in the area is very limited.
- B) The house is located at the end of a very narrow street with little or no turn around space to exit the street
- C) The parking spaces would be heavily screened from the street and from neighbors.
- D) There would be no apparent detriment to the surrounding properties or to the neighborhood.
- E) The parking addition will not change the character of the neighborhood.
- F) There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for permission to construct parking additions as indicated in the plans submitted with this application be, and the same is hereby granted.

Z13-025
Ciaccia
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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.

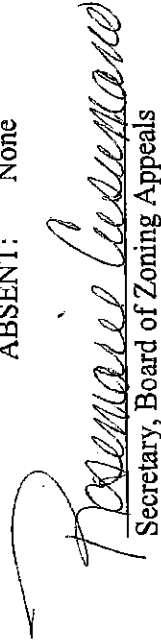
Foregoing Resolution submitted by Michael Strone, seconded by Steven Lowenthal at the 10/17/2013 meeting.

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


NAYS: None

ABSTAINED: None

ABSENT: None



Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

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Ciaccia
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