

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Wednesday Evening, November 11, 2015, at 8:00 p.m., in the Court Room of the Municipal Building.

Members Present

Mark I. Fisher, Chairman
Ernest Fiore
Michael Strone
Steven Lowenthal
Paul Valentine
Tom Foristel

Members Absent

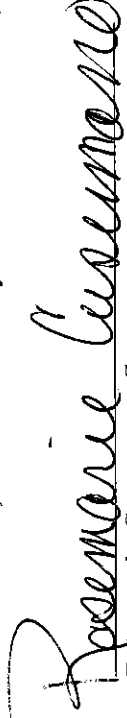
Paul Katz

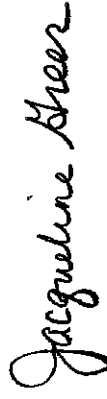
The Chairman called the meeting to order at 8:00 p.m.

| <u>Cal. #</u> | <u>Applicant</u> | <u>Block</u> | <u>Lot</u> | <u>Decision</u> |
|---------------|-----------------------------------|--------------|------------|---|
| Z15-015 | Anthony Spano | 411 | 12 | Variance Granted |
| Z15-016 | Lake Street restaurant Group, LLC | 871 | 15 | Variance Granted |
| Z15-020 | Aron & Robin Ponticelli | 651 | 22 | Heard – Adjourned to the December Meeting |
| Z15-021 | Jules Alexander | 562 | 4 | Heard – Closed – Findings being prepared |
| Z15-022 | Harrison Real Estate Group, LLC | 131 | 17 | Heard – Adjourned to the December Meeting |
| Z15-023 | Westchester Joint Water Works | 625 | 6 | Heard – Adjourned to the December Meeting |

The next meeting was scheduled to December 10, 2015.

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



Town Clerk's Office

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THE FORMAL RECORD OF THE ABOVE PROCEEDINGS ARE THE TAPES

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

Calendar No. Z15-015

Date: November 11, 2015

Property Owner: Anthony Spano

Property Address: 39 Crystal Street

Block 411 Lot 12

WHEREAS, the applicant, the property owner, filed an application to legalize an existing wood deck 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, Anthony Spano, filed an application on June 19, 2015 for a variance from the Zoning Ordinance to legalize an existing wood deck. The property is located in a R-75 District and pursuant to §235-9(B) of the Table of Dimensional Regulations of the Zoning Ordinance of the Town/Village of Harrison the maximum side yard setback is 10 feet. The existing wood deck reduces the side yard setback to 6 feet 2 inches requiring a variance of 3 feet 10 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 October 8, 2015 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 Katz, Ernest Fiore, Steve Lowenthal, Thomas Foristel, Paul Valentine and Michael Strone; 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:

Z15-015

Spano

11/11/15

- (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 applicant purchased the home in 1974 and the deck was existing at the time of purchase.
2. The property backs up on the Hutchinson River Parkway.
3. The deck is adjacent to a neighbor's rear yard.
4. In view of the fact that the deck has been in its present location for more than 40 years and its location adjacent to a major highway, the granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

NOW THEREFORE BE IT RESOLVED, that the application for a 3 foot, 10 inch side yard variance to legalize an existing deck be, and the same is hereby granted.

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Foregoing Resolution submitted by Paul Valentine, seconded by Tom Foristel at the November 11, 2015 meeting.

ADOPTED: AYES: Mark Fisher, Ernest Fiore, Michael Strone, Steve Lowenthal, Paul Valentine and Tom Foristel

NAYS: None

ABSTAINED: None

ABSENT: Paul Katz


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

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

Calendar No. Z15-016

Date: November 11, 2015

Property Owners: Villani Realty Group

Property Address: 97 Lake Street

Block 871 Lot 15

WHEREAS, the property owner, filed plans for a sign 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, Lake Street Restaurant Group LLC filed an application on July 7, 2015 with respect to lettering on an awning located in front of the property. The property is located in an NB Zoning and pursuant to §235-46(A) Titled Business Identification Signs of the Zoning Ordinance of the Town/Village of Harrison, each building shall be permitted to have one wall sign attached or incorporated in the building wall on each public street or off-street parking lot frontage. There is already lettering on the face of the building and the lettering on the awning is a sign that requires a variance for a second sign.

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 10 and October 8, 2015 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, Ernest Fiore, Paul Katz, Michael Strone, Steven Lowenthal, Paul Valentine and Tom Foristel; 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:

*Z15-016
Lake Street Restaurant
11/11/15*

- (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. Various restaurants have been located on this site for many years. The present operator began operations within the past 6 months and inserted the name of the restaurant "LAGO" on the face of the building. The operator also inserted on the awning the words "Bar", "Caffe", "97" (which is the address), "VINI" and "Cucino".
2. Awnings with lettering have been used on the site for more than 50 years without any apparent detriment to nearby properties.
3. The present awning is not out of character with the surrounding neighborhood and does not create an adverse impact on the neighborhood.

NOW THEREFORE BE IT RESOLVED, that the application for a variance to permit lettering on a awning as indicated in the plans submitted with this application be, and the same is hereby granted.

Z15-016
Lake Street Restaurant
11/11/15

Foregoing Resolution submitted by Ernest Fiore, seconded by Steven Lowenthal at the November 11, 2015 meeting.

ADOPTED: AYES:

Mark Fisher, Ernest Fiore, Michael Strone, Steve Lowenthal, Paul Valentine and Tom Foristel

NAYS:


None

ABSTAINED:

None

ABSENT:

Paul Katz


Secretary, Board of Zoning Appeals



Chairman, Board of Zoning Appeals

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Lake Street Restaurant
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