

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, March 12, 2015, at 8:00 p.m., in the Court Room of the Municipal Building.

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

Members Absent


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

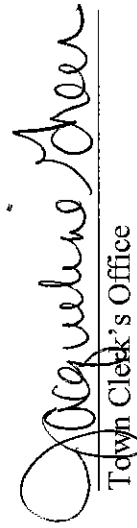
<u>Cal. #</u>	<u>Applicant</u>	<u>Block</u>	<u>Lot</u>	<u>Decision</u>
Z13-032	Robert Luiso	281	10	Original Variances Granted
Z13-032	Joseph DeFonce	247	7	Variance Denied
Z14-036	Fisk Management, LLC	641	19	Variance Granted
Z14-037	Paul & Suzanne Ryan	564	3	Variance Granted
Z15-001	William Colangelo	265	27	Heard – Closed – Findings being prepared
Z15-002	Maria Mauro	268	11	Re-Opened – Heard – Closed – Variance Granted
Z15-003	Harrison Playhouse Lofts	133	35 & 11	Heard – Adjourned to the April Meeting
Z14-004	Lorenzo & Fernanda Grippo	84	86	Heard – Closed – Findings being prepared

The next meeting was scheduled to April 9, 2015.

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

RECEIVED
2015 MAR 16 AM 10:15
TOWN CLERK
HARRISON, N.Y.


Rosemarie Cusumano, Secretary


Town Clerk's Office

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

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

Calendar No. Z14-032

Date: March 12, 2015

Property Owner: Joseph DeFonce

Property Address: 47 Coakley Avenue

Block 247 Lot 7

WHEREAS, the Applicant, the property owner, filed an application for a certificate of occupancy for an in-ground pool and 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, on November 17, 2014 Joseph DeFonce filed an application for a number of variances in connection with an existing in-ground pool, pool equipment and deck. The property is located in an R-75 Zone. Pursuant to §235-28 of the Zoning Ordinance of the Town/Village of Harrison swimming pools and related equipment in an R-75 Zone shall not be located within (10) feet of any side and rear yard. Also, as per §235-9(B) of the Residential Table of Dimensional Regulations, the minimum required side yard setback for an accessory structure is (10) feet and the minimum required rear yard setback for an accessory structure is (10) feet. The final survey submitted shows (1) the pool to have a side yard setback of (6.4) feet thus requiring a variance of (3.6) feet and a rear yard setback of (9.6) feet at the South East Corner thus requiring a variance of (0.4) feet and (2) the pool equipment to have a side yard setback of (1.1) feet thus requiring a variance of (8.9) feet and a rear yard setback of (1.2) feet thus requiring a variance of (8.8) feet. The final survey shows the deck constructed around the pool to have a rear yard setback of (6) feet thus requiring a variance of (4) feet. The final survey shows the deck to be at the side yard of the property lines, thus requiring a variance of (10) feet for both side yards.

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 December 11, 2014, January 15, 2015 and February 12, 2015 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, Mark Fisher, Michael Strone, Steve Lowenthal 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

Z13-032
DeFonce
5/12/15

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.

The Board found that:

1. On April 27, 2012, Applicant filed an application with the Building Department for a building permit for construction of a 16 foot by 30 foot in-ground pool. The plans provided for 10 foot side yard and rear yard setbacks thereby satisfying the requirements of the Ordinance. The plans also provided for the installation of pool equipment adjacent to an existing wood deck and located more than 10 feet from the side yard thus satisfying the requirements of the Ordinance. The location of the pool and the pool equipment was specifically indicated in a survey that was filed as part of the application. A building permit was issued on May 18, 2012. In reviewing the application, the Town Engineer specifically indicated in a memorandum of May 4, 2012 that the plans did not include a patio and that no grading was proposed.
2. The building permit issued to Applicant included a list of required inspections. The only inspection that ever occurred was a failed inspection that took place on October 12, 2012.
3. On November 15, 2012, the Building Inspector denied an application filed by Applicant for a certificate of occupancy. The denial was based on the failure of Applicant to comply with the same setback requirements which are the subject of the current variance application. The denial letter specifically advised Applicant to file an application for a variance with the Zoning Board within 60 days of the date of the denial letter.
4. Applicant did not file an application for a variance within the foregoing 60 day period and on June 18, 2013 The Building Department issued a Notice of Violation/Compliance Order with respect to Applicant's failure to obtain a Certificate of Occupancy/Compliance for, among other things, the swimming pool.

Z14-032
DeFonce
5/12/15

5. Applicant also regraded the back yard without obtaining the necessary permit.
6. We are cognizant of the requirement for us to follow the balancing test in determining whether to grant this variance and the remainder of these findings are addressed to those considerations.

The benefit to the applicant vs. the detriment to the health, safety and welfare of the neighborhood or the community

7. The benefit to the Applicant in obtaining the variance is to enable him to continue to enjoy the benefit of having an attractive pool and deck located on his property which only serves to enhance the value of his property.
8. The neighborhood in which the property is located consists of small plots of land typical of an R-75 Zone and the property is surrounded on both sides as well as in the rear by similar sized properties. The deck that surrounds the pool extends to the property line on both sides and is 6 feet from the rear yard property line. Accordingly the pool and the deck both have the potential of having an adverse impact on adjacent properties from a privacy perspective. This was a concern that was specifically raised by one of the adjacent property owners. In addition, the whole pool area is not well screened from adjacent properties.

Whether an undesirable change will be produced in the character of the neighborhood

See 8 above.

Whether the benefit sought by applicant can be achieved by some method feasible for the applicant to pursue other than a variance

9. The benefit sought by Applicant could have been obtained if Applicant had constructed a pool and located the pool equipment in accordance with the Building Permit that was issued.

Are the variances substantial

10. In assessing the substantiality of the variances and we need to address the pool, pool equipment and deck separately. The .4 foot rear yard variance for the pool is clearly not substantial. We also believe that the 3.6 foot side yard variance is also not significant. The pool was prefabricated and the side yard variance is necessitated by a small rectangular area of the pool required for steps into the pool. Any concern with respect to this side yard variance could be addressed by providing for additional screening.

Z14-032
DeFonce
5/12/15

11. The variance with respect to the pool equipment is substantial, with the equipment being located only 1.1 feet and 1.2 feet, respectively, from the side and rear yard property lines. The need for this variance could have been obviated if Applicant had located the equipment adjacent to the existing deck as provided for in the original plans filed by Applicant.

12. The variance for the deck is very substantial in that the deck essentially covers almost the entire area surrounding the pool in that it extends to the property line on both sides thereby representing a 100% deviation from the requirements of the Ordinance and also encroaches 4 feet (40%) into the required rear yard setback.

Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood

See 8 above.

Is the difficulty self-created

13. Applicant's difficulty is self-created in that Applicant filed plans for a pool, as well as pool equipment, that would have satisfied the requirements of the Ordinance but then proceeded to build a pool and locate pool equipment not in conformity with the plans that were filed or the building permit that was issued. In addition, the original plans as well as the building permit did not provide for a deck. As such, Applicant's difficulty is clearly 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 deny the requested variances.

NOW THEREFORE BE IT RESOLVED, that the application for variances from the rear and side yard setback requirements of the Zoning Ordinance be, and the same is hereby denied.

Foregoing Resolution submitted by Steven Lowenthal, seconded by Tom Foristel at the March 12, 2015 meeting.

ADOPTED: AYES:

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

NAYS:

None

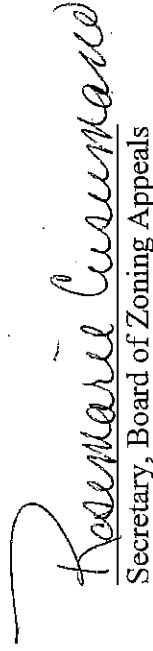
ABSTAINED:

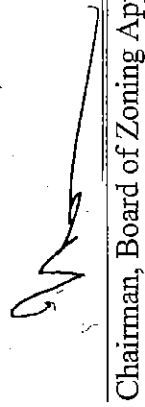
None

Z14-032
DeFonce
5/12/15

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.

RECEIVED
2015 MAR 16 AM 10:13
TOWN CLERK
HARRISON, N. Y.

Z14-032
DeFonce
5/12/15

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

Cal. No. Z14-036

Date: March 12, 2015

Applicant: Fisk Management, LLC

Block 641 Lot 19

Address: 122 Lincoln Avenue

WHEREAS, the applicant, Fisk Management, LLC, the property owner was referred by the Planning Board to the Zoning Board of Appeals for a proposed two lot subdivision. An application filed with respect to the subdivision was denied by the Building Department for the following reasons. This property is located in an R-2 Zoning district and pursuant to §235-9(B) of the Table of Dimensional Regulations of the Town/Village of the Harrison Zoning Ordinance the minimum required lot width at the required building setback is 200 feet. Also as per §235-33 the minimum lot width at the front lot line in any residence district shall not be less than 75% of the required lot width at the required minimum front yard depth, but in no case shall it be less than 50 feet. This application requires 2 variances: 1: The proposed lot width at the minimum building setback for one of the lots is 50 feet, thus requiring a variance of 150 feet. 2: The minimum front lot line width for the foregoing lot is 50 feet, thus requiring a variance of 100 feet; and

WHEREAS, Cuddy & Feder, attorneys for the applicant, filed on December 19, 2014 an application for the variances referred to above; and

WHEREAS, a public hearing on this application was duly scheduled and held by the Board of Zoning Appeals, at the Municipal Building, 1 Heinemann Place, Harrison, New York at 8:00 p.m. on January 15, 2015 and February 12, 2015 after due notice and publication pursuant to Town Law 267-a(7) at which the following Members were present either in person or indicated that they had listened to tapes of the meeting: Mark Fisher; Ernie Fiore; Steven Lowenthal; Michael Strone, Paul Katz, 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 thereunder, 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

Z14-036
Fisk Management
3/12/15

WHEREAS, at said hearing the applicant's attorney 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 after an inspection of the site,

- (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 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; and
- (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 consider the requested variances concerning the three car garage and that those variances sought were 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, and:

1. The property which is the subject of this application contains 5.410 acres and there is presently a single-family residence located on the property. Applicant has proposed a two lot subdivision, consisting of one lot (Lot 1), containing 2.425 acres, bordering on Lincoln Avenue and a second lot (Lot 2), containing 2.985 acres, to be located at the rear of the property. The plans provide for a common driveway (which would be part of Lot 2 with provision for an easement for the benefit of Lot 1) that would provide access to both Lots. The driveway, which would be 20 feet in width, would be part of a 50 foot strip of land ending in a circular driveway with a "hammerhead" design ending at the entrance to the residence on Lot 2. As a result of this design, Lot 2 would be only 50 feet wide at both the building setback line and the front lot line as compared to the 200 feet and 150 feet, respectively, required by the Ordinance.
2. Applicant could subdivide the property without the necessity for the variances requested by constructing a zoning compliant cul-de-sac road. However, the Planning Board, which has made a positive recommendation, preferred the design that is being proposed. The proposed design, which was developed in consultation with the Building Inspector/Fire Marshall, provides for the installation of a new hydrant (at no cost to the Town) adjacent to the hammerhead at the end of the driveway. The hammerhead design is in accordance with design

specifications of the New York State Fire Code and facilitates fire and emergency vehicle circulation. The design of a 20 foot driveway, as compared to a much wider road that would have to be used as part of a cul-de-sac, also enables the Applicant to provide substantial landscaping along the northern property line adjacent to the common driveway which clearly benefits the adjacent property on the other side of the driveway. There would not be sufficient room for such plantings under a cul-de-sac design. The cul-de-sac road would require additional land disturbance and would result in additional costs to the Town. In addition, lengthy access driveways are not out of keeping with the neighborhood in which the property is located and the size of both lots substantially exceeds the minimum lot size requirements. Accordingly, we find that the proposed variances will not create an undesirable change in the character of the neighborhood, be detrimental to nearby properties or will have an adverse effect or impact on the physical or environmental conditions in the neighborhood. We also find that the granting of the variances is also preferential to the construction of a zoning-compliant cul-de-sac.

3. While from a strictly numerical standpoint, the variances are substantial as they represent 75% and 67% deviations from the Ordinance, we find that, in the context of the totality of the circumstances, the variances are not substantial.

4. Since Applicant acquired this property with full knowledge of the requirements of the Ordinance, the alleged difficulty is in fact self-created. However, this factor is not dispositive and we find that it is outweighed by the other factors mitigating in favor of a granting of the variances.

NOW, THEREFORE BE IT RESOLVED, that the application for lot width and minimum front lot line width in accordance with the plans filed with the 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 the applicant shows good cause and, if in the Board's judgment, the facts and circumstances, which existed at the time of the original application, have not materially changed.

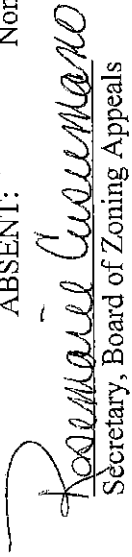
Foregoing Resolution submitted by Michael Strone, seconded by Steven Lowenthal at the March 12, 2015 meeting.

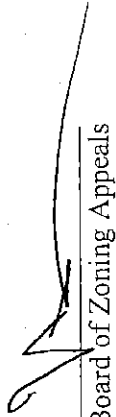
ADOPTED: AYES: Mark Fisher, Ernest Fiore, Paul Katz, Michael Strone, Steven Lowenthal, Paul Valentine, and Tom Foristel

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.

RECEIVED

2015 MAR 16 AM 10: 13

TOWN CLERK
HARRISON, N. Y.

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

Calendar No. Z14-037

Date: March 12, 2015

Property Owner: Paul & Suzanne Ryan

Property Address: 86 Bellevue Avenue

Block 564 Lot 3

WHEREAS, the applicant Paul and Suzanne Ryan, 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, Betsy Gallagher, Landscape Architect, filed an application on December 19, 2014 on behalf of the property owner for an area variance from the Zoning Ordinance to permit the construction of a driveway and steps. The property is located in an R-1 Zoning District and is existing non-conforming with regard to lot size. Pursuant to §235-9(B) of the Table of Dimensional Regulations of the Town/Village of Harrison the minimum required front yard setback is 40 feet. Also as per §234-18-(B)-3 Accessory off Street Parking Spaces other than those which might be incidentally available within the actual driveway area shall not be located within the required front or side yard or within 10 feet from any property line in the required rear yard. The proposed new parking court creates a parking space within the required front yard, thus requiring a variance; 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 February 12, 2015 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, Paul Valentine and Tom Foristel.

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

Ryan
Z14-037
3/12/15

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 proposed circular driveway is similar to other driveways in the area.
- C) There would be no apparent detriment to the surrounding properties or to the neighborhood.
- D) The parking addition will not change the character of the neighborhood.
- E) There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for permission to construct a circular driveway and parking court 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.

Ryan
Z14-037
3/12/15

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.

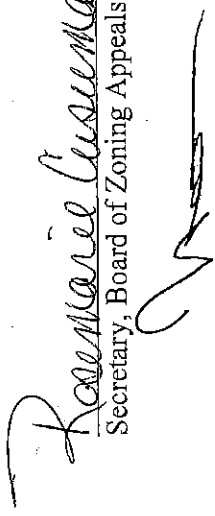
Foregoing Resolution submitted by Paul Katz, seconded by Paul Valentine at the March 12, 2015 meeting.

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

NAYS: None

ABSTAINED: None

ABSENT: None


Secretary, Board of Zoning Appeals

Chairman, Board of Zoning Appeals

RECEIVED
2015 MAR 16 AM 10: 13
TOWN CLERK
HARRISON, N. Y.

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.

Ryan
Z14-037
3/12/15

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

Calendar No. Z15-002

Date: March 12, 2015

Property Owner: Maria Mauro

Property Address: 50 Nelson Ave. Block 268 Lot 11

WHEREAS, the applicant, the property owner, filed an application to legalize a finished basement 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, Maria Mauro, filed an application on January 16, 2015 for a variance from the Zoning Ordinance to legalize a finished basement at the premises located in a B Zone and AE flood plain: In an AE flood plain, if base floor elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above 2 feet above the base floor level. As per §146-6.1, the applicant is seeking a variance to legalize a finished basement with respect to the flood plain requirements. §146-6.2 indicates conditions for variances; 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 February 12, 2015 and March 12, 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: Paul Katz, Ernest Fiore, Steve Lowenthal, Thomas Foristel, Paul Valentine, Mark Fisher 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

Z15-002
Mauro
3/12/15

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 is located in the area of the Brentwood Brook where substantial channel improvements to enhance water flow have been made to ameliorate flooding in the Brentwood section of Harrison. However, flooding problems still exist and applicant's basement was flooded with approximately one inch of water following a flood in 2007.
2. At the time applicant acquired the property approximately 25 years ago, a portion of the basement was finished. Within a few years thereafter, applicant renovated the finished portion of the basement and also finished an area of the basement that had been unfinished. The entire area of the basement that is the subject of this application is completely within the footprint and foundation wall enclosure of the house as originally constructed. There have been no changes to the footprint or to any openings within the existing foundation wall which encloses the basement area. Window and door openings that exist today are those that were created as part of original construction. As such there is no realistic way that materials might be swept away from inside of the basement now as opposed to when the basement area was originally completed. Since the finished basement, including the additional finished portion, has been constructed wholly internal to a pre-existing structure and the basement spaces were constructed as part of the original house, there is no danger to life and property caused solely by the additional

Z15-002
Mauro
3/12/15

construction work performed within the pre-existing area. The basement area has existed as part of the original construction of the house. The construction work completed in the basement that is the subject of this application does not in any way create any increased susceptibility to flood damage over what has existed from the completion date of original construction of the house. Accordingly, we find that applicant has satisfied the requirement under §146-6 for the granting of a variance.

NOW THEREFORE BE IT RESOLVED, that the application for a variance from the flood plain requirements with respect to the finished basement be, and the same is hereby granted.

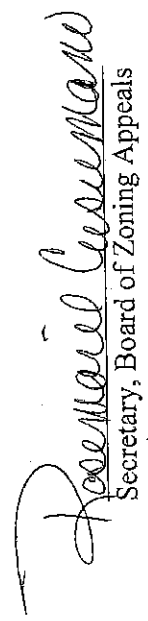
Foregoing Resolution submitted by Ernest Fiore, seconded by Steven Lowenthal at the 3/12/2015 meeting.

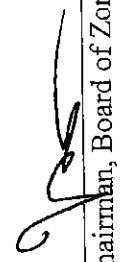
ADOPTED: AYES: Mark Fisher, Ernest Fiore, Paul Katz, Michael Strone, Steven Lowenthal, Paul Valentine, and Tom Foristel

NAYS: None

ABSTAINED: None

ABSENT: None


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

RECEIVED
2015 MAR 16 AM 10:14
TOWN CLERK
HARRISON, N. Y.

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.

Z15-002
Mauro
3/12/15