

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, April 9, 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>
Z15-001	William Colangelo	265	27	Heard -- Closed -- Findings being prepared
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
Z15-005	Rae Lupo Esposito	847	19	Heard -- Closed -- Findings being prepared
Z15-006	David & Carmela Fuca	833	11	Heard -- Adjourned to the May Meeting
Z15-007	Shawn & Erica Andrews	1011	3	Heard -- Adjourned to the May Meeting

The next meeting was scheduled to May 14, 2015.

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

Jacqueline Chen
Town Clerk's Office

Rosemarie Cusumano
Rosemarie Cusumano, Secretary

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

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

Calendar No. Z15-001

Date: April 9, 2015

Property Owner: William & Patricia Colangelo

Property Address: 33 Ellsworth Avenue

Block 265 Lot 27

WHEREAS, the applicant, the property owner, filed an application to legalize a garage addition 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, William & Patricia Colangelo, filed an application on January 16, 2015 for a variance from the Zoning Ordinance to legalize a second-story addition to the existing garage. The property is located in a B Zoning District and is a one family dwelling. Pursuant to §235-9(B) of the Table of Dimensional Regulations of the Zoning Ordinance of the Town/Village of Harrison the maximum height of an accessory structure is 15 feet. The second story addition to the garage has increased the height to 16 feet 6 inches thus requiring a variance of 1 foot 6 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 February 12 and March 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 Thomas 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

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

Z15-001
Colangelo
4/9/15

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:

- A) The existing garage is similar to structures on neighboring properties and, thus, does not change the character of the neighborhood nor does it impact negatively upon the neighborhood.
- B) Although the need for the variance is self-created and the requested variance is substantial, the benefit to the applicant outweighs the detriment, if any, to the community.
- C) Granting of the variance will not change the character of the neighborhood.
- D) There were no objections from neighbors.
- E) This variance is with respect to the height of the structure only. It is not a use variance. It does not confer upon the applicant nor any successor-owner or lessee any right to use and or occupy the structure as anything but a detached garage. Most specifically, it may not be used or occupied as a residence or as additional work, play, and/or living space.

NOW THEREFORE BE IT RESOLVED, that the application for permission to legalize the height of an existing garage to 16 ft. 6 in. 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.

Z15-001
Colangelo
4/9/15


Foregoing Resolution submitted by Michael Strone, seconded by Steven Lowenthal at the 4/9/2015 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

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THIS IS NOT A BUILDING PERMIT. A Building Permit must be obtained from the Building Inspector before any work is started. Other permits and 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. Z15-004

Date: April 9, 2015

Property Owner: Lorenzo & Fernanda Grippo

Property Address: 84-86 Batavia Pl.

Block 386 Lot 35

WHEREAS, the property owner filed an application to legalize an existing 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, Stephen Marchesani, on behalf of the property owners, filed an application on February 3, 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. The Code of the Town/Village of Harrison provides that new construction and substantial improvements to existing structures in such zones shall have the lowest floor (including basement) elevated to or above 2 feet above the base flood 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 the conditions for such 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 March 12, 2015 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present: Mark Fisher, Paul Katz, Ernest Fiore, Steve Lowenthal, Thomas Foristel, Michael Strone 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

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

Z15-004
Grippo
4/9/15

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 premises are located in the area of the Brentwood Brook where substantial channel improvements to enhance the water flow have been made to ameliorate flooding in the Brentwood section of Harrison.
2. The property was constructed in 1986 and the property owner acquired the property in 1986 and finished the basement in 2000. The finished basement 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. 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 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 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.

Z15-004
Grippo
4/9/15

NOW THEREFORE BE IT RESOLVED, that the application for a variance to legalize a finished basement 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.

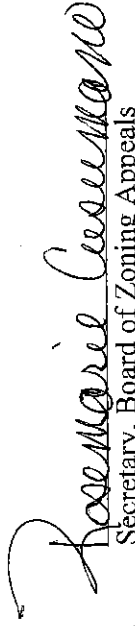
Foregoing Resolution submitted by Ernest Fiore, seconded by Paul Valentine at the 4/9/2015 meeting.

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

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Z15-004
Grippo
4/9/15