

## ZONING BOARD OF APPEALS

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

Members Present

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

Members Absent

Michael Strone

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>
Z15-003	Harrison Playhouse Lofts	133	35 & 11	Heard – Adjourned to the May Meeting
Z15-005	Rae Lupo Esposito	847	19	Variance Granted
Z15-006	David & Carmela Fuca	833	11	Heard – Adjourned to the June Meeting
Z15-007	Shawn & Erica Andrews	1011	3	Heard – Closed – Findings being prepared
Z15-008	Keio Academy of New York	631	26	Heard – Closed – Findings being prepared
Z15-009	Mark House	41	9	Not Heard – Adjourned to the June Meeting

The next meeting was scheduled to May 11, 2015.

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

*Jacqueline Sheer*

Town Clerk's Office

*Rosemarie Cusumano*  
Rosemarie Cusumano, Secretary

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

TOWN CLERK  
HARRISON, N.Y.

2015 MAY 18 AM 10:36

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

Calendar No. Z15-005

Date: May 11, 2015

Property Owner: Rae Lupo Esposito

Property Address: 4 Lincoln Avenue

Block 847 Lot 19

WHEREAS, the applicant, the property owner, filed an application to legalize an existing 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, Leonard Altizio filed an application on behalf of the property owner for a variance to legalize a deck at the above referenced property. The property is located in a B Zoning District and pursuant to 235-9B of the Zoning Ordinance, the minimum rear yard setback is 25 feet. The deck reduces the rear yard setback to 20 feet thus requiring a 5 foot variance.

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 April 9, 2015 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present: Paul Katz, Thomas Foristel, Paul Valentine, Steven Lowenthal, Michael Strone, Ernest Fiore, and Mark Fisher; 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:

*Z15-005  
Lupo-Esposito  
5/11/15*

- (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:

- A) In 1977, in connection with an expansion to a deck in the back yard, applicant built a wood frame roof over the entire deck.
- B) In September 2014, the existing roof collapsed as a result of an accumulation of snow.
- C) The variance for the deck is required as a result of the existence of the roof. The proposed deck and the roof have been located in the same location for more than 35 years. Accordingly we find that the granting of the variance will not create any undesirable change in the neighborhood.
- D) Applicant's rear yard is located substantially below the adjacent property. In addition, the rear yard is heavily screened and separated from the adjacent property by a stockade fence. There is also a stucco garage located on a part of the adjacent property that backs up on applicant's property. Accordingly, we find that there will be no adverse visual impact on the adjacent property caused by the granting of a variance.

NOW THEREFORE BE IT RESOLVED, that the application for a rear yard variance with respect to a covered deck 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.

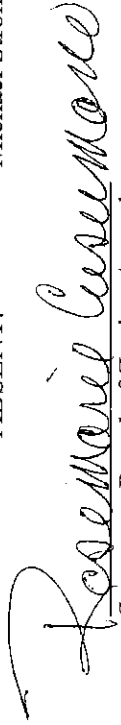
Foregoing Resolution submitted by Steven Lowenthal, seconded by Paul Valentine at the May 11, 2015 meeting.

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

NAYS: None

ABSTAINED: None

ABSENT: Michael Strone

  
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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