

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, September 11, 2014, 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>
Z14-016	Lorenzo Santoli	795	7	Heard – Closed – Findings being prepared
Z14-017	Thomas & Michele Foristel	281	19	Heard – Closed – Findings being prepared
Z14-021	Memorial Hospital for Cancer	631	7	Variance Granted
Z14-022	John Panas	223	31	Heard – Closed – Findings being prepared
Z14-023	Rocco & Lucia Branca	731	20	Heard – Closed – Findings being prepared
Z14-024	Harrison Real Estate Group, LLC	131	17	Heard – Adjourned to the October Meeting
Z14-025	Howard Schur	671	4	Heard – 1 Year Extension Granted

The next meeting was scheduled to October 9, 2014.

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


Town Clerk's Office


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. Z14-021

Date: September 11, 2014

Property Owners: Memorial Hospital for Cancer & Allied Diseases

Property Address: 500 Westchester Avenue

Block 631 Lot 7

WHEREAS, the applicant, the property owner, applied for a Building Permit to permit with respect to a proposed 42.3 square foot sign to be placed on the front of the building 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 the Code's requirements; and

WHEREAS, an application was filed on July 24, 2014 for an area variance from the Zoning Ordinance to permit erection of a 42.3 square foot sign as compared to the 20 foot square foot requirement of the Ordinance; 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 August 14, 2014 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present either in person or by listening to tapes of the Hearing: Ernest Fiore, Paul Katz, Michael Strone, Steven Lowenthal, Paul Valentine and Tom Foristel; 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:

- (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;

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- (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:

- A) Applicant's building is located in a unique location on Westchester Avenue.
- B) The front entrance of the building is not readily visible to passing vehicles until a vehicle is literally in front of the building.
- C) The sign will not be visible from any adjacent properties and there are no residential properties in the immediate area.
- D) We are granting this variance based on the unique location of this property.
- E) There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for a 22.3 square foot variance to permit erection of a sign in accordance with plans filed 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 plan

These variances 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 this 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 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 Paul Katz, seconded by Tom Foristel at the 9/11/2014 meeting.


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

NAYS: None

ABSTAINED: Mark Fisher

ABSENT: None


Secretary, Board of Zoning Appeals


Acting Chairman, Board of Zoning Appeals

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CITY OF
MEMORIAL HOSPITAL

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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