

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, January 15, 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
Tom Foristel

Members Absent

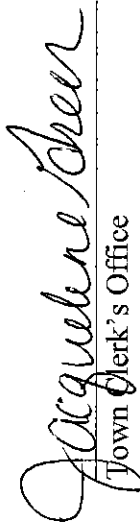
Paul Valentine

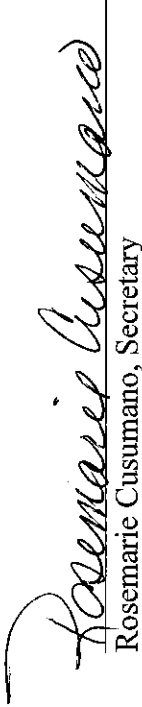
The Chairman called the meeting to order at 8:00 p.m.

<u>Cal. #</u>	<u>Applicant</u>	<u>Block</u>	<u>Lot</u>	<u>Decision</u>
Z14-026	Eileen & John Bosco	221	14	Heard – Closed – Findings being prepared
Z14-031	Laura & David Hersh	441	97	Heard – Closed – Findings being prepared
Z13-032	Joseph DeFonce	247	7	Heard – Adjourned to the February Meeting
Z13-033	Janice Stanton	518	19	Variance Granted
Z14-034	Seville Plaza	121	22-25, 29	Extension Granted
Z14-035	Mathew & Helen McConnell	542	7	Heard – Closed – Findings being prepared
Z14-036	Fisk Management, LLC	641	19	Heard – Adjourned to the February Meeting
Z14-037	Paul & Suzanne Ryan	564	3	Heard – Adjourned to the February Meeting

The next meeting was scheduled to February 12, 2015.

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. Z14-033

Date: January 15, 2015

Property Owner: Janice Stanton

Property Address: 33 Stratford Road

Block 518, Lot 19

WHEREAS, the applicant, the property owner, filed an application for a proposed subdivision 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, Philip Butler, Esq. filed an application for a side yard variance with respect to an existing tennis court at the above referenced property. The property is in an R-1 Zoning District and the tennis court is presently legally existing non-conforming with regard to setback requirements. However the proposed subdivision provides for the construction of a driveway adjacent to the tennis court. As a result of the subdivision, the new driveway will not be part of the lot on which the tennis court is located. Pursuant to §235-(9)(B) of the Zoning Ordinance of the Town/Village of Harrison the minimum required side yard setback is 20 feet and pursuant to §235-18(A)(4) Accessory Buildings, including private garages shall not be placed within the required front nor within the required side yard. The proposed subdivision reduces the side yard setback of the tennis court to 4 feet at its nearest point therefore requiring a variance of 16 feet;

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 3, 2014 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; 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

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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:

1. The tennis court has been in its present location since 1971. The necessity for the side yard variance arises from the fact that as part of the subdivision a new driveway is proposed adjacent to the tennis court. That driveway will not be a part of the lot on which the tennis court is located (the "Tennis Court Lot"). The Tennis Court Lot is being merged with a lot at 35 Stratford Road on which an existing house is located. The driveway will provide access to another house located at 33 Stratford Road. As a result, following the subdivision there will be two separate lots.
2. The location of the tennis court is not being changed and it will still be located the same distance from the adjacent property as it has always been. In addition, the tennis court is heavily screened from the adjacent property and additional screening between the new driveway and the adjacent property is provided in the plans filed with the application to minimize the impact caused by the construction of the driveway. Accordingly, there will not be a detriment to the adjacent property as a result of the granting of the variance.

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3. The granting of the variance will not create an undesirable change in the character of the neighborhood or a detriment to nearby properties.

4. There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for a side yard variance with respect to an existing tennis 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.

The variance is conditioned upon the installation, and continued maintenance of the screening provided for in the plans filed with this application.

Foregoing Resolution submitted by Michael Strone, seconded by Ernest Fiore at the January 15, 2015 meeting.

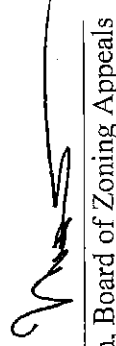
ADOPTED: AYES: Mark Fisher, Ernest Fiore, Michael Strone, Steven Lowenthal and Tom Foristel

NAYS: None

ABSTAINED: None

ABSENT: Paul Katz, Paul Valentine


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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