

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, March 9, 2017, at 8:00 p.m., in the Court Room of the Municipal Building.

Members Present

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

Members Absent

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

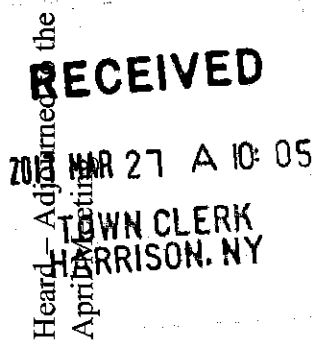
<u>Cal. #</u>	<u>Applicant</u>	<u>Block</u>	<u>Lot</u>	<u>Decision</u>
Z16-019	12 Nelson Avenue LLC	267	11	Not Heard – Adjourned to the April Meeting
Z16-030	Ihab Mohamed	641	112	Heard – Adjourned to the April Meeting
Z16-031	Frank A. Acocella	131	26	Heard – Closed – Findings being prepared
Z16-033	Fran Grippo	386	35	Variance Granted
Z17-002	James & Carrie Heffernan	604	16	Variance Granted
Z17-003	Michael Decea	374	40	Heard – Adjourned to the April Meeting
Z17-004	Michael & Leigh Foristel	241	15	Heard – Adjourned to the April Meeting
Z17-005	Agusto & Jo Anne Corvino	424	9	Heard – Closed – Findings being prepared
Z17-006	John & Pamela King	912	43	Heard – Adjourned to the April Meeting

The next meeting was scheduled to April 13, 2017.

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

Josephine Chen
 Town Clerk's Office

Rosemarie Cusumano
 Rosemarie Cusumano, Secretary



BOARD OF ZONING APPEALS

TOWN/VILLAGE OF HARRISON, NEW YORK

Calendar No. Z16-033

Date: March 9, 2017

Property Owners: Fran Grippo

Property Address: 84-86 Batavia Place

Block 386 Lot 35

WHEREAS, the applicant, 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, Fran Grippo filed on December 12, 2016, an application for an area variance from the Zoning Ordinance with respect to a one-story addition. This property is located in a B Zoning District and pursuant to §235-9-B of the Table of Dimensional Regulations of the Zoning Ordinance of the Town/Village of Harrison the maximum allowable lot coverage is 35%. The minimum required rear yard setback is 25 feet. The proposed addition increases the lot coverage to 38.7% thus requiring a variance for the overage in lot coverage of 3.7%. The proposed addition will reduce the rear yard setback to 22 feet thus requiring a variance of 3 feet; 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 January 12 and February 23, 2017 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: Mark Fisher, Paul Katz, Ernest Fiore, Michael Strone, Steve Lowenthal, Paul Valentine and Thomas 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

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:

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- (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. Applicant is proposing a new one-story addition. The addition will occupy the same space currently occupied by an existing raised patio and there will be no change in the footprint of the house.
2. The house was constructed in 1986 and no change has been made in the configuration of the house since that time except for the granting of a variance in 2015 relating to the habitable use of the basement which is located in a flood zone.
3. The denial letter indicates that the addition will increase lot coverage to 38.7%. However, the additional living space being added aggregates 96 square feet since the area being enclosed is 12 feet by 8 feet. This represents an additional 1.92% of lot coverage. The discrepancy in calculations is apparently attributable to the fact that the front yard and side entrances are covered which, according to applicant, have been covered since 1984.
4. As noted above, the footprint of the house is not being changed as a result of the addition and has been the same for more than 30 years.
5. In view of the above, the enclosing of the existing patio to create more living space will not create a change in the character of the neighborhood or create a detriment to nearby properties.
6. Since there will be no change in the footprint of the house, the reduction of the rear yard setback will not change the character of the neighborhood or create a detriment to nearby properties.

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NOW THEREFORE BE IT RESOLVED, that the application for a variance to allow the enclosing of an existing open porch in accordance with plans submitted by Stephen Marchesani dated 12/6/16 (A1, A2 and A3) with this application be, and the same is hereby granted, subject to the following conditions:

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.

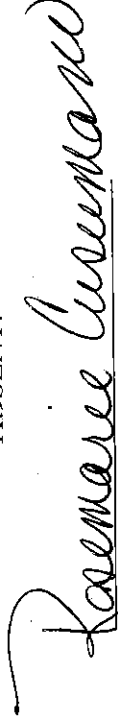
Foregoing Resolution submitted by Michael Strone, seconded by Paul Valentine at the March 9, 2017 meeting.

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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2017 MAR 27 A 10:05
TOWN CLERK
HARRISON, NY

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 or 670-3055.

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

Calendar No. Z17-002

Date: March 9, 2017

Property Owner: James & Carrie Heffernan

Property Address: 10 Plymouth Road

Block 604 Lot 16

WHEREAS, the applicant, 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, James & Carrie Heffernan filed an application for a variance for an addition and renovation at the above referenced property. The property is located in an R-1 Zoning District. It is existing non-conforming with regard to its side yard setbacks of 49.80 ft. at the southeast portion of the lot. Pursuant to 235-9B of the Zoning Ordinance, no lot in the R-1 residence district in blocks 591, 592, 601, 603 & 604 shall be less than 200 ft. in width or frontage, with a minimum front yard of 50 ft. and minimum side yard of 50 ft. The proposed addition at the southwest portion of the lot reduces the side yard setback to 33.38' thus requiring a variance of 16.62'.

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 9, 2017 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were either present in person or indicated that they had listened to tapes of the Hearing: Tom Foristel, Paul Valentine, Michael Strone, Ernest Fiore, Mark Fisher, Paul Katz and Steven Lowenthal; 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. Applicant is proposing to construct a two-story addition on the left side of the property when viewed from Plymouth Road. Plymouth Road begins at the intersection with Polly Park Road and applicant's property is the second house off of Polly Park Road on the north side of Plymouth Road. Plymouth Road curves sharply to the right as it approaches applicant's property. In addition, the left side of applicant's house is located more than 100 feet from the front property line, which is more than twice the required front yard setback. The first house on the north side of Plymouth Road is located much closer to its front property line. As a result, the new addition will be located a substantial distance away from the house located on the adjacent property.
2. The side of the property on which the addition is being constructed is heavily screened from view from the adjacent property as a result of existing screening and we are conditioning this variance on the continued maintenance of that screening.
3. As a result of the above findings, the granting of the variance will have minimal visual impact on, and not be a detriment to, the adjacent property.

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4. Various lots and homes on Plymouth Road are of a similar nature to applicant's property as it is proposed to be renovated, and construction of the proposed addition will not result in 10 Plymouth Road being out of character with the neighborhood.

NOW THEREFORE BE IT RESOLVED, that a variance to allow construction of an addition as indicated in the plans submitted with this application be, and the same is hereby granted subject to the following conditions;

This variance is conditioned on Applicant's continued maintenance of the screening, consisting of bushes and pine trees, which currently exist on the side of the property on which the new addition is being constructed.

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 Paul Valentine at the March 9, 2017 meeting.

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

NAYS: None

ABSTAINED: None

ABSENT: None

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Heffernan
3/9/17

Rosemarie Casamano
Secretary, Board of Zoning Appeals

[Signature]
Chairman, Board of Zoning Appeals

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