

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, May 11, 2017, 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

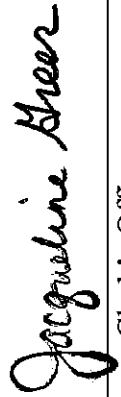
The Chairman called the meeting to order at 8:00 p.m.

<u>Cal. #</u>	<u>Applicant</u>	<u>Block</u>	<u>Lot</u>	<u>Decision</u>
Z16-019	12 Nelson Avenue LLC	267	11	Not Heard – Adjourned to the June Meeting
Z16-030	Ihab Mohamed	641	112	Heard – Closed – Findings being prepared
Z17-004	Michael & Leigh Foristel	241	15	Variance Granted
Z17-006	John & Pamela King	912	43	Heard – Closed – Findings being prepared
Z17-008	Rosemary Anderson	821	22	Variance Granted
Z17-009	Domenick Schettino	672	2	Withdrawn without prejudice
Z17-010	Jason Schechter	518	3	Variance Granted
Z17-011	Trinity Presbyterian Church	643	7	Extension Granted
Z17-012	Stephen & Maryann Clow	441	104	Heard– Adjourned to the June Meeting
Z17-013	Aurelio & Elisa Campanale	396	50	Heard – Closed – Findings being prepared
Z17-014	Ersilia Laurino	92	21	Heard– Adjourned to the June Meeting
Z17-015	Joseph & Alice Torre	508	55	Heard – Closed – Findings being prepared
Z17-016	Francine Aber	641	92	Heard – Closed – Findings being prepared

The next meeting was scheduled to June 8, 2017.

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


Rosemarie Cusumano, Secretary



Town Clerk's Office

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

TOWN CLERK
HUNTSVILLE

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BOARD OF ZONING APPEALS

TOWN/VILLAGE OF HARRISON, NEW YORK

Calendar No. Z17-004

Date: May 11, 2017

Property Owners: Michael & Leigh Foristel

Property Address: 30 Danner Avenue

Block 241 Lot 15

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, Mark Mustacato, on behalf of the property owner, filed on February 14, 2017 an application for an area variance from the Zoning Ordinance with respect to a two-story addition. This property is located in a R-75 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 20%. The proposed addition increases the lot coverage to 27% thus requiring a variance for the overage in lot coverage of 7%; 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 9, 2017 and April 13, 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 and Paul Valentine; 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. 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:

*Z17-004
Foristel
5/11/17*

- (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 2 story addition in the rear of the house.
2. The property is existing non-conforming with regard to lot size (5,000 square feet as compared to the 7,500 square feet required by the Ordinance) and front and side yard setbacks.
3. The house is almost 100 years old and was constructed many years before the enactment of a zoning ordinance in the Town.
4. The immediate area in which the property is located contains a significant number of houses which are non-conforming both as to lot size as well as lot coverage. Properties which are non-conforming for both lot size and lot coverage include the property adjacent to applicant's property on Danner Avenue, the property on Coakley Avenue located to the rear of the applicant's property as well as 21 additional properties located within a one block radius of applicant's property. Accordingly, the construction of the addition will not produce an adverse change in the character of the neighborhood.
5. The addition is being constructed entirely in the rear of the house so there will be no visual impact on any properties located on Danner Avenue. All required setbacks will be satisfied, and there will be a 26 foot rear yard setback as compared to the 25 feet required by the Ordinance. Accordingly, there will be no detriment to nearby properties.
6. The property is unique in another respect in that there is a large roofed front porch (302 square feet). The variance being sought relates to the fact that there will be 27% lot coverage after the addition. However approximately 6% is represented by the existing covered porch. The amount of the variance could be minimized by the removal of the roof. However the removal of the roof would have a negative impact on the appearance of the front of the house and would reduce the overall footprint of the house.

Z17-004
Foristel
5/11/17

7. Applicant's need for the variance is caused by the extremely small size of the existing footprint of floor area (768 square feet) and the need for additional living space. In that respect, the house currently has one bathroom and does not have room for a full sized refrigerator in the kitchen.

8. We recognize that the amount of the variance is significant from a numerical standpoint, representing a 35% (7/20) deviation from the requirements of the Ordinance. However, we find that the substantiality of the variance is outweighed by the other factors cited above as well as the age and uniqueness of the house.

NOW THEREFORE BE IT RESOLVED, that the application for a variance to allow the two-story rear addition in accordance with plans submitted by Mark Mustacato dated 2/1/17 A-1, A-2, A-3, A-4, A-5 and A-6 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 Zoning Board Member Steven Lowenthal, seconded by Zoning Board Member Paul Valentine at the May 11, 2017 meeting.

ADOPTED:	AYES:	Mark Fisher, Ernest Fiore, Paul Katz, Michael Strone, Steven Lowenthal and Paul Valentine
	NAYS:	None
	ABSTAINED:	None
	ABSENT:	None
	RECUSED:	Tom Foristel

Z17-004
Foristel
5/11/17

Rosemarie Casemano
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 or 670-3055.

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

Calendar No. Z17-008

Date: May 11, 2017

Property Owner: Rosemary Anderson, Leonard DiMarino
and Betty Ann Speniak

Property Address: 26 Beechwood Ave. Block 0821 Lot 22

WHEREAS, 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 Polera, on behalf of the property owner, filed an application on March 8, 2017 for a variance from the Zoning Ordinance to legalize a basement, sitting room and covered patio at the premises located in a B Zoning District. The Code of the Town/Village of Harrison, Sec 235-9B Table of Dimensional Regulations for Residence Districts requires a rear yard setback of 25' in a B zone. The sitting room addition reduces the rear yard setback to 16.1' requiring a variance of 8.9 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 April 13, 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: Ernest Fiore, Mark Fisher, Michael Strone, Steve Lowenthal, Thomas Foristel, Paul Valentine and Paul Katz.

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:

*Z17-008
Anderson
5/11/17*

- (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 addition was originally constructed in the 1960's and, accordingly, has been in its present location for more than 45 years.
2. The addition is screened from view from the adjacent property. In addition, the house on the adjacent property is located at an elevation substantially below the elevation of the applicant's property. As a result the addition has no visual impact on the adjacent property.
3. As a result of the foregoing findings, the granting of the variance will not product a change in the character of the neighborhood or create a detriment to nearby properties.

NOW THEREFORE BE IT RESOLVED, that the application for a rear yard variance to legalize the basement, sitting room and covered patio 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.

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Anderson
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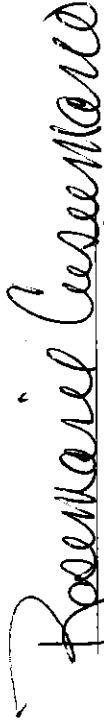
Foregoing Resolution submitted by Zoning Board Member Ernest Fiore, seconded by Zoning Board Member at the May 11, 2017 meeting.

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 MAY 16 P 4:33

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

Calendar No. Z17-010

Date: May 11, 2017

Property Owner: Jason Schechter

Property Address: 41 Stratford Road

Block 518 Lot 3

WHEREAS, the property owner applied for a Building Permit for the installation of a generator 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, Jason Schechter filed an application on March 8, 2017 for an area variance from the Zoning Ordinance to permit the installation of a generator within the required rear yard setback. This property is located in an R-1 Zoning District and pursuant to §235-9B of the Table of Dimensional Regulations of the Town/Village of Harrison Zoning Ordinance the minimum required yard setback is 15 feet. The proposed generator indicates a rear yard setback of 13 feet, thus requiring a variance of 2 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 April 13, 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, 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; 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 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;

*Z17-010
Schechter
5/11/17*

- (C) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area 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, 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:

1. Applicant is seeking a variance in order to install a new generator at a location at the back of his property. The generator will be located behind an existing pool cabana and will be screened from view from the immediately adjacent neighbor.
2. In order to address concerns related to the noise emitted by the generator, we are conditioning the variance on the installation of a Generac Quietsource series 36kW generator with a built in sound attenuated enclosure.
3. Accordingly, subject to the condition set forth above, the granting of the variance will not create an undesirable change in the character of the neighborhood or a detriment to nearby properties.

NOW THEREFORE BE IT RESOLVED that the application for a variance to permit the location of a generator 13 feet from the rear yard property line as indicated in plans submitted with this application be, and the same is hereby granted subject to the following conditions:

Granting of the variance is specifically conditioned upon installation of a generator of the type referred to in paragraph 2 of this letter.

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.

Z17-010
Schechter
5/11/17

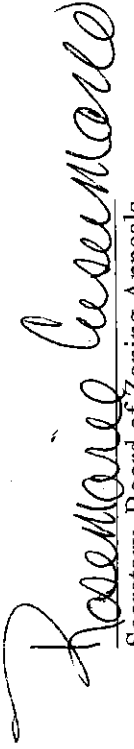
Foregoing Resolution submitted by Zoning Board Member Michael Strone, seconded by Zoning Board Member Paul Valentine at the meeting on May 11, 2017.

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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Z17-010
Schechter
5/11/17

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