

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, June 14, 2018, at 8:00 p.m., in the Court Room of the Municipal Building.

Members Present

Mark I. Fisher, Chairman
Ernest Fiore
Paul Katz
Steven Lowenthal
Thomas Foristel
William Harold
Michael Tiesi

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>
Z17-036	Bill Greenberg	642	3	Heard – Adjourned to the July Meeting
Z17-041	Arturo Rossi	761	9	Heard – Adjourned to the July Meeting
Z18-009	Domenic & Eileen Cipollone	951	69	Heard – Adjourned to the July Meeting
Z18-010	Joseph & Ivana Reneri	763	7	Variance Granted
Z18-011	Fish Management, LLC	641	19	Not Heard – Adjourned to the July Meeting
Z18-012	Westchester Country Club	566	1	Heard – Adjourned to the July Meeting
Z18-013	Richard Sheridan	301	17	Withdrawn without Prejudices
Z18-014	Thomas & Kristen Haynes	312	21	Heard – Adjourned to the July Meeting
Z18-015	Joseph & Alice Torre	508	55	Heard – Extension Granted

The next meeting was scheduled to July 12, 2018.

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

Jacqueline Deon
 Town Clerk's Office

Rosemarie Cusumano
 Rosemarie Cusumano, Secretary

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

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

Calendar No. Z18-010

Date: June 14, 2018

Property Owner: Joseph & Ivana Raneri

Property Address: 72 White Plains Avenue

Block 763 Lot 7

WHEREAS, the applicant, the property owner, applied for a Building Permit for a proposed addition 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, Joseph Raneri filed an application on April 17, 2018 for a variance to permit construction of a front entry vestibule. This property is located in an 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 minimum required front yard setback is 30 feet. The property is existing non-conforming with a front yard setback of 29.7 feet. The proposed addition (vestibule) will have a front yard setback of 24.7 feet thus requiring a variance of 5.3 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 May 24, 2018 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, Ernest Fiore, Paul Katz, Steven Lowenthal, Tom Foristel, Billy Harold and Michael Tiesi; 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. The property is existing non-conforming with respect to the front yard setback of 29.7 feet where 30 feet is required.
2. From a visual standpoint, the proposed front yard addition is in line with 3 other houses located on the same side of White Plains Avenue as the property and in close proximity to the property. In addition, on two previous occasions we have granted similar variances to two other properties located on White Plains Avenue in the vicinity of the property. Accordingly, the granting of the variance will not produce a change in the character of the neighborhood or create a detriment to any nearby property.
3. The benefit to be obtained by applicant would be to afford protection from the elements when entering or exiting through the front door. The granting of the variance would not create any detriment to the health, safety and welfare of the neighborhood.

NOW THEREFORE BE IT RESOLVED, that the application for a variance to allow construction of a front entry vestibule as indicated in the plans submitted by RMG Associates A-1, A-2 and A-3 dated March 13, 2018 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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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 good cause is shown by the applicant and, if in the Board's judgment, the facts and circumstances which existed at the time of the original application have not materially changed.

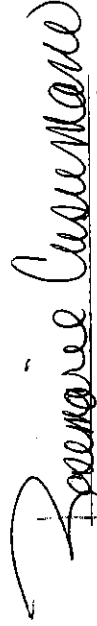
Foregoing Resolution submitted by Zoning Board Member Thomas Foristel, seconded by Zoning Board Member Paul Katz at the June 14, 2018 meeting.

ADOPTED: AYES: Mark Fisher, Ernest Fiore, Paul Katz, Steven Lowenthal,
Thomas Foristel, William Harold and Michael Tiesi

NAYS: None

ABSTAINED: None

ABSENT: None


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

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2018 JUN 18 P 12:07
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.

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