

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, October 12, 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>
Z18-009	Domenic & Eileen Cipollone	951	69	Not Heard – Adjourned To the November Meeting
Z18-014	Thomas & Kristen Haynes	312	21	Heard – Adjourned to the November Meeting
Z18-017	John & Rosanne Eklund	825	14	Heard – Adjourned to the November Meeting
Z18-018	Rana & Kathryn Mitra	284	38	Variance Granted
Z18-019	Anna Scavone	849	28	Variance Granted
Z18-020	John Robinson	994	69	Variance Granted
Z18-021	Joanne Noone	288	7	Variance Granted
Z18-022	Holly Ostrov	996	35	Heard – Closed – Findings being prepared
Z18-023	33 Calvert Properties, LLC / Seville Plaza	121	22-25&29	Heard – Extension Granted

The next meeting was scheduled to November 8, 2018.

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

Jacqueline Chen
Town Clerk's Office

Rosemarie Cusumano
Rosemarie Cusumano, Secretary

ALL INFORMATION
HEREIN IS UNCLASSIFIED
DATE 10/12/11 BY 60322

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

RECEIVED

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

Calendar No. Z18-018

Date: October 11, 2018

Property Owner: Rana & Kathryn Mitra

Property Address: 41 Bellain Avenue

Block 284 Lot 38

WHEREAS, the property owner applied for a Building Permit for a wood deck/platform and steps 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, Rana Mitra filed an application on July 26, 2018 for a variance to permit construction of a wood deck/platform and steps. The property is legally existing and non-conforming with regard to the rear yard setback. Pursuant to §235-9B of the Table of Dimensional Regulations of the Zoning Ordinance of the Town/Village of Harrison the minimum rear yard setback is 25 feet. The existing setback is 20.5 feet and the proposed rear yard setback is 15.5 feet thus requiring a variance of 9.5 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 September 13, 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, Thomas Foristel, William 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:

- (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;

*Z18-018
Mitra
10/11/1*

- (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 wood platform and steps in the rear of the house in order to provide access to the rear yard from the kitchen.
2. There is currently in the rear yard a masonry patio that is elevated slightly above grade.
3. The corner of the wood platform will be located 15.5 feet from the property line, which is five feet closer to the property line than the existing legally non-conforming setback of 20.5 feet.
4. The raised patio is located substantially closer to the rear yard property line than the proposed platform. However, the patio is screened from the adjacent property by a row of existing approximately 9 foot evergreens.
5. From a visual standpoint the platform and steps blends in with the remainder of the rear of the house, including the existing raised patio.
6. In order to minimize any adverse impact on the adjacent property resulting from the construction of the wood deck/platform and steps, we are specifically conditioning the granting of the variance on the planting, and continued maintenance of a row of 6 to 8 foot arborvitae in the rear of the property as provided in the screening plan filed with this application (the "Screening Plan").
7. In view of the foregoing findings, the granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to any nearby property.

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Mitra
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NOW THEREFORE BE IT RESOLVED, that the application for a variance to allow construction of a wood deck/platform and steps as indicated in the plans of RMG Associates A-1 and A-2, dated April 29, 2018 and revised October 10, 2018, submitted with this application, be, and the same is hereby granted subject to the following conditions;

This variance is specifically conditioned on the planting and continued maintenance of the Screening Plan.

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 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 Paul Katz, seconded by Zoning Board Member Ernest Fiore at the October 11, 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

2018 OCT 12 P 4:
TOWN CLERK
MARTINSON, NY

RECEIVED

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.

Z18-018
Mitra
10/11/18

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

Calendar No. Z18-019

Date: October 11, 2018

Property Owner: Anna Scavone

Property Address: 116 Gainsborg Avenue

Block 849 Lot 28

WHEREAS, the applicant, the property owner, applied for a Certificate of Occupancy for an existing garage 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, the property owner, Anna Scavone filed an application on August 3, 2018 for a variance to legalize a detached garage. This property is located in a B Zoning District and pursuant to §235-9B of the Table of Dimensional Regulations of the Town/Village of Harrison, accessory structures require a 5 foot setback from the side and rear yard property lines. The detached garage provides for (1) a side yard setback of 4 feet 6 inches, thus requiring a 6 inch variance and (2) a rear yard setback of 3 feet 6 inches, thus requiring a 1 foot 6 inch variance.

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 September 13, 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, Thomas Foristel, William 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:

*Z18-019
Scavone
10/11/18*

- (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 garage is heavily screened from the rear yard neighbor by a fence and large trees and is screened from the side yard neighbor by a fence. Accordingly, the location of the garage does not create any adverse visual impact on any adjacent property.
2. The garage has been in its present location for many years with no apparent detriment to the neighborhood. A building permit was originally issued in 2002 (but never closed out) and a 2008 survey confirms the location of the garage.
3. There were no objections from neighbors.
4. The requested variance is six inches (6") for the side yard and one foot, six inches (1'6") for the rear yard. In view of the size of the variances and the other findings referred to above, both variances are of a de minimum nature and the granting of the variances will not change the character of the neighborhood or create a detriment to any nearby property.

NOW THEREFORE BE IT RESOLVED, that the application for site and rear yard variances for a detached garage constructed as indicated on the survey of The Munson Company dated May 14, 2008 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.

Z18-019
Scavone
10/11/18

Foregoing Resolution submitted by Zoning Board Member Paul Katz, seconded by Zoning Board Member William Harold at the October 11, 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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Z18-019
Scavone
10/11/18

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2018 OCT 12 P 4: 12
TOWN CLERK
HARTFORD, CT

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

Calendar No. Z18-020

Date: October 11, 2018

Property Owner: John Robinson

Property Address: 253 Park Avenue

Block 994 Lot 69

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, the property owner, John Robinson, filed an application on August 9, 2018 for a variance to construct an addition. This property is located in an R-1/3 Zoning District and pursuant to §235-9B of the Table of Dimensional Regulations the side yard setback is 15 feet. The proposed addition reduces the side yard setback to 6 feet 6 inches, thus requiring a variance of 8 feet 6 inches.

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 September 13, 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, Thomas Foristel, William 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:

*Z18-020
Robinson
10/11/18*

- (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 proposes to construct a small addition (approximately 177 square feet) in order to enlarge an existing bedroom.
2. While the lot is oversized in that it contains .5272 acres, there is no other suitable location on the property where the addition can be constructed.
3. The house is located at the end of a cul-de-sac and backs up into a hill. The proposed addition will be tucked into the back corner of the house and, as a result of significant screening, will not be visible from any adjacent property.
4. As a result of the topography of the property and the proposed size and location of the addition, the granting of a variance will not produce an undesirable change in the character of the neighborhood or create a detriment to any adjacent neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for a variance to allow construction of an addition as indicated on drawings by Mastrogiacomo Engineering A-1.00 (3 pages) dated June 6, 2018, last revised July 19, 2018, 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.

Z18-020
Robinson
10/11/18

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 Paul Katz, seconded by Zoning Board Member Thomas Foristel at the October 11, 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 OCT 12 P 4 12
CLERK
BUILDING DEPARTMENT

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Z18-020
Robinson
10/11/18

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

Calendar No. Z18-021

Date: October 11, 2018

Property Owner: Joanne Noone

Property Address: 5 Avondale Road

Block 288 Lot 7

WHEREAS, the applicant, the property owner, applied for a Certificate of Occupancy for a wood deck 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, the property owner, Joanne Noone, filed an application on August 14, 2018 for a variance to legalize a wood deck. This property is located in an R-75 Zoning District and pursuant to §235-9B of the Table of Dimensional Regulations of the Town/Village of Harrison the required rear yard setback is 25 feet. The existing deck reduces the rear yard setback to 24 feet thus requiring a variance of 12 inches.

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 September 13, 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, Thomas Foristel, William 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:

- (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;

*Z18-021
Noone
10/11/18*

- (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 rear yard of the property backs up onto the Metro North Railroad tracks and the granting of a variance will not create any adverse impact on any adjacent property or result in a change in the character of the neighborhood.
2. Two adjacent neighbors have submitted a letter in support of the granting of a variance.
3. The requested variance is of a de minimis nature in view of the location of the rear yard adjacent to the railroad tracks and the size of the variance.

NOW THEREFORE BE IT RESOLVED, that the application for a rear yard variance for a wood deck constructed as indicated on drawings submitted by RMG Associates A-1 dated April 5, 2018, last revised August 13, 2018, A-2 dated April 5, 2018 and as built survey submitted by TC Merritts Land Surveyors, dated July 18, 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.

Z18-021
Noone
10/11/18

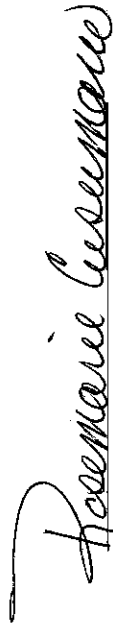
Foregoing Resolution submitted by Zoning Board Member Ernest Fiore, seconded by Zoning Board Member Paul Katz at the October 11, 2018 meeting.

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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CLERK
COMMUNITY

Z18-021
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10/11/18