

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, December 13, 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
Michael Tiesi

Members Absent

William Harold

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>
Z14-018	Michael Rossi	691	113	Variance Granted
Z18-009	Domenic & Eileen Cipollone	951	69	Heard – Closed – Findings being prepared
Z18-014	Thomas & Kristen Haynes	312	21	Variance Granted
Z18-017	John & Rosanne Eklund	825	14	Not Heard – Adjourned to January Meeting
Z18-024	Nicholas Ruggiero	754	1	Not Heard – Adjourned to the January Meeting
Z18-025	Kerry & Brad Gilden	290	25	Variance Granted
Z18-026	249 Halstead Avenue Properties, LLC	131	21	Heard – Removed off Agenda
Z18-027	Manhattanville College	631	5	Variance Granted
Z18-028	Michael & Nicole Bolnik	81	6	Heard – Adjourned to the January Meeting
Z18-029	Rocco DiLuna	846	25	Heard – Adjourned to the January Meeting

The next meeting was scheduled to January 10, 2019.

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

Jacqueline Greer
Town Clerk's Office

Rosemarie Cusumano
Rosemarie Cusumano, Secretary

2018 DEC 19 A 10:07

CLERK

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

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

Calendar No.Z14-018

Date: December 13, 2018

Property Owner: Michael & Elizabeth Rossi

Property Address: 9 Spring Lake Drive

Block 691 Lot 113

WHEREAS, the applicant, the property owner, applied for a Certificate of Occupancy 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, Michael Rossi filed an application for a side yard variance for an addition at the above referenced property. This property is located in an R-1/3 Zoning District and pursuant to §235-9(B) of the Table of Dimensional Regulations of the Town/Village of Harrison the minimum required side yard setback is 15 feet. The Zoning Board of Appeals on March 10, 2010 granted a variance for 2 feet 10 inch encroachment into the 15 foot side yard setback, thus reducing the side yard setback to 12 feet 2 inches. The final survey submitted shows the addition reduces the side yard setback to 10 feet thus requiring a variance of 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 November 8, 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, Steve Lowenthal, Tom 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

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Rossi

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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 seeking a second variance for a two story addition that was constructed in 2010.
2. The original variance was granted on March 10, 2010 for a 2 foot 10 inch encroachment into a 15 foot side yard setback thus reducing the side yard to 12 feet 2 inches. The final survey submitted shows the side yard setback to be 10 feet requiring a 5 foot variance.
3. The property is located at the end of a cul-de-sac and the side yard property line adjacent to the addition slopes away from the property. Accordingly, only a small portion of the front of the addition is located in the required side yard setback.
4. The side of the property on which the addition is located has existing screening that effectively screens the addition from view from the adjacent property..
5. The addition does not change the character of the neighborhood.
6. There were no objections from neighbors.

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7. As a result of the foregoing findings, the variance is not substantial and the granting of the variance will not produce a detriment to any nearby property.

NOW THEREFORE BE IT RESOLVED, that the application for a 5 foot side yard variance with respect to an existing two story addition 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.

Foregoing Resolution submitted by Zoning Board Member Ernest Fiore, seconded by Zoning Board Member Thomas Foristel at the December 13, 2018 meeting.

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

NAYS: None

ABSTAINED: None

ABSENT: William Harold


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

2018 DEC 19 A 10:05

TOWN CLERK
HARRISON, NY

RECEIVED

Z14-018
Rossi
12/13/18
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**BOARD OF ZONING APPEALS
TOWN/VILLAGE OF HARRISON, NEW YORK**

Calendar No. Z18-014

Date: December 13, 2018

Property Owner: Thomas & Kristen Haynes

Property Address: 18 Glendale Road

Block 312, Lot 21

WHEREAS, an application was filed for a building permit with respect to a proposed addition to be constructed on the property 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 owners, Thomas & Kristen Haynes originally filed an application on May 23, 2018 for a variance for an attached garage and a two-story addition and that application was subsequently amended. The property is existing non-conforming with regard to the lot area, front, side and rear yard setbacks. Pursuant to §235-9(B) of the Table of Dimensional Regulation of the Zoning Ordinance of the Town/Village of Harrison the application requires 4 Variances. 1: The maximum lot coverage is 15% and the proposed lot coverage is 20.1%, thus requiring a variance of 5.1%. 2: The minimum side yard setback is 20 feet and the proposed side yard setback is 13 feet, thus requiring a variance of 7 feet. 3: The minimum total of both side yard setbacks is 40 feet and the proposed total of both setbacks of 26.01 feet, thus requiring a variance of 13.99 feet. 4: The minimum rear yard setback is 50 feet and the proposed rear yard setback is 38.18 feet, thus requiring a variance of 11.82 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 June 14, 2018, July 12, 2018, September 13, 2018, October 11, 2018 and November 8, 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, Steve 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 the owner of an adjacent property appeared in opposition. All those who desired to be heard were heard and the Board reviewed the documents submitted to it; and

*Z18-014
Haynes
12/13/18*

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's property is located in the Winfield Glen area of Harrison. Winfield Glen is a unique area that contains relatively large lots as well as many smaller lots of less than ½ acre. In that regard, Glendale Road, the street on which applicant's property is located, contains only two properties that conform to the one acre zoning requirement. Applicant's property, together with the adjacent property at 16 Glendale Road, both of which contain 8,625 square feet, are the two smallest lots on the street.

2. In response to concerns expressed by the Board, applicant has scaled back the size of the proposed addition. Applicant originally sought a front yard setback in order to allow construction of a portico. The portico has now been eliminated and a front yard variance is no longer required. Applicant originally proposed constructing a two car garage on the side of the property adjacent to 16 Glendale Road which would have required a 10 foot side yard variance. Applicant is now proposing to construct a one-car garage, which reduces the side yard variance to 7 feet. Applicant has also scaled back the size of a proposed two-story addition in the rear of the property, which reduces the rear yard variance from 13.67 feet to 11.82 feet. As a result of those changes, the required lot coverage variance has been reduced from 7.3% (22.3%) to 5.1% (20.1%). (The original denial letter, dated May 31, 2018, had computed the lot coverage at 20.4%. However, that computation was subsequently corrected to 22.3% in a revised denial letter, dated June 27, 2018.) Finally, although not required for zoning purposes, applicant has agreed to eliminate a proposal to construct a new patio in the rear of the property and will instead retain the existing patio and agree not to further expand or extend the patio beyond its present location.

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3. Applicant's property is adjacent to a flood plain and the current garage, which is below grade, is subject to frequent flooding from both ground water and surface water runoff. As a result, the garage is frequently unusable. To address this issue, applicant is proposing to construct a new at-grade garage addition on the side of the property adjacent to the property located at 16 Glendale Road. The existing driveway leading to the current garage will be replaced by a grassy area and the current garage will be replaced by storage space.

4. Applicant's property is the only property on Glendale Road that does not have an above ground garage. The new garage will be constructed adjacent to an above ground garage at 16 Glendale Road. Accordingly, the visual impact on the adjacent property resulting from the construction of the garage addition will be minimized by virtue of the fact that the new garage will be adjacent to an existing garage. In addition, the screening plan referred to below provides for the planting of 6 sprinter boxwoods along the side of the garage addition.

5. The rear of the property slopes sharply uphill and properties located on South Braxmar Drive overlook applicant's property. The owner of one of those adjacent properties (21 South Braxmar Drive South) has raised an objection to the granting of the variance. The area between applicant's property and the property on South Braxmar Drive has significant existing screening. At present, only the top of applicant's roof is visible from the first floor of the neighbor's property and the second story of applicant's house as well as the entire roof is visible from the 2nd floor of the neighbor's property. After the completion of the addition, the second floor of applicant's property, as well as the second floor of the proposed addition, will both be visible from the second floor of the neighbor's property. Accordingly, based on the visual photos submitted, it does not appear that the construction of the addition will result in any significant change in the visual impact on the rear yard neighbor as compared to the current visual impact.

As set forth below, applicant has also submitted a screening plan for the property that provides for significant additional screening in the rear of applicant's property.

6. Applicant has submitted a screening plan that provides for the planting of a row of 12 trees along the rear property line (the trees will ultimately grow to a 40 to 50 foot height) as well as 6 sprinter boxwoods along the side of the new garage addition. Granting of the variances is specifically conditioned on the completion and continued maintenance of the screening plan.

7. The rear yard neighbor also expressed concerns with respect to the additional noise impact arising from the proposed expansion of applicant's patio. As set forth above, to address that concern, applicant has agreed to eliminate the proposed patio expansion and to limit any future expansion of the existing patio and we are specifically conditioning the granting of the variances on compliance with that agreement.

8. In weighing whether to grant the requested variances, we must weigh the benefit to the applicant against the health, safety and welfare to the community. The benefit to the applicant is the addition of additional living space to a very small house as well as the construction of a new usable garage. We believe those benefits are significant and do not believe that there is any detriment to the health, safety and welfare to the neighborhood caused by the granting of the variances.

9. The second factor that we must weigh relates to whether there will be an undesirable change in the neighborhood or a detriment to nearby properties caused by the

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granting of the variances. As set forth above, we have considered the possible visual impact on the adjacent rear and side yard neighbors to be caused by the granting of the variances and, based on the finding above, we believe those impacts are not significant. We also do not believe that an undesirable change in the character of the neighborhood will be produced by the granting of the variances. Viewing the property from Glendale Road, there will be a 7 foot incursion into the required side yard for the new garage. The side of the garage will be enhanced by additional plantings, there will be no change in the side yard setback on the other side of the property and the driveway leading to the old garage will be replaced by a grassy area. The remainder of the addition will be constructed in the rear of the property and will not be visible from Glendale Road. Finally, the garage addition is being constructed opposite a similar garage on the adjacent property. In addition, we have received many letters from homeowners in the area indicating that the proposed addition will have a positive impact on the neighborhood. Based on the foregoing, we do not believe that the granting of the variances will create an undesirable change in the character of the neighborhood.

10. It does not appear that the benefits sought by the applicant can be achieved by any other method than a variance. In that regard, we also note that, in response to our concerns, the applicant has scaled down the size of the proposed addition as well as eliminated the original request for a front yard variance.

11. From a purely numerical standpoint, the requested variances, particularly the lot coverage variance, are substantial. The lot coverage variance of 5.1% actually represents a 34% deviation. However, a significant portion of that variance is attributable to the addition being constructed in the rear of the property which are not visible from Glendale Road and that should be taken into consideration in determining the substantiality of the variances.

12. The difficulty in this case is self-created since applicant acquired the property six years ago and the provisions in the Zoning Ordinance for which variances are being sought have not changed since that time.

Based on the foregoing and a balancing of the factors we are required to consider, we believe that it is appropriate to grant the requested variances.

NOW THEREFORE BE IT RESOLVED that the application for side yard, rear yard and lot coverage variances to allow construction of an attached garage and two story addition as indicated in the revised plans (based on an August 27, 2018 survey by Big Apple Land Surveyors) submitted with this application be, and the same is hereby granted subject to the following.

Granting of the variance is subject to the completion, and continued maintenance, of a Planting Plan, dated 5/14/18 prepared by Haynes Architects P.C.

Granting of this variance is specifically conditioned on applicant's agreement to retain the existing patio and not to further expand or extend the patio beyond its existing location.

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Haynes
12/13/18

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 by Haynes Architect, A001, A002, A003, A004, A005, A006.

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 Chairman Mark Fisher, seconded by Zoning Board Member Steven Lowenthal at the December 13, 2018 meeting.

ADOPTED: AYES: Mark Fisher, Ernest Fiore, Steven Lowenthal and Michael Tiesi

NAYS: Paul Katz and Thomas Foristel

ABSTAINED: None

ABSENT: William Harold


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

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2018 DEC 19 A 10:06
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.

2/18-014
Haynes
12/13/18

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

Calendar No. Z18-025

Date: December 13, 2018

Property Owner: Kerry & Brad Gilden

Property Address: 314 West Street

Block 290 Lot 25

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, Kerry & Brad Gilden, filed an application on October 16, 2018 for a variance from the Zoning Ordinance to construct a swimming pool located at 314 West St. in an R1/2 zoning district. The Code of the Town/Village of Harrison, Sec 235-28A titled Swimming Pools, provides that in an R1/2 district, no swimming pools, pumps, filters, compressors or other pool related equipment shall be located within 20 feet of the side and rear property lines nor shall be set back less than 60 feet from any street. The proposed site plan indicates a swimming pool location to be 14 ft. from the side property line. Therefore, a variance of 6 ft. is required; 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 November 8, 2018 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present: Paul Katz, Ernest Fiore, Mark Fisher, Steve Lowenthal, Tom Foristal, William Harrold and Michael Tiesi

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:

Z18-025
Gilden
12/13/18

- (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's property is located on an oversized lot that contains 26,565 square feet. However, the lot is unique in certain respects that limit the locations where an in ground swimming pool can be located. The back of the lot slopes sharply downward to the Mamaroneck River. In addition, there is a wetlands buffer as well as a sewer easement which limits the number of suitable locations for a pool.
2. The proposed location requires a side yard variance in that a triangular corner of the pool is located within the required setback.
3. The house on the adjacent property closest to the pool is located approximately 150 feet sway and the pool will be screened from view from the adjacent property by existing screening.
4. The character of the neighborhood will not change as a result of the granting of a side yard variance.
5. There were no objections from any of the neighbors.
6. As a result of the foregoing findings, there would be no apparent detriment to the surrounding properties or the neighborhood.

NOW THEREFORE BE IT RESOLVED, that the application for a side yard variance to allow construction of a swimming pool as indicated in the plans submitted with this application be, and the same is hereby granted.

Z18-025
Gilden
12/13/18

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 Ernest Fiore, seconded by Zoning Board Member Thomas Foristel at the December 13, 2018 meeting.

ADOPTED:

AYES:

Mark Fisher, Ernest Fiore, Paul Katz, Steven Lowenthal, Thomas Foristel and Michael Tiesi

NAYS:

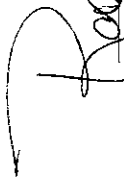
None

ABSTAINED:

None

ABSENT:

William Harold


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.

Z18-025

Gilden

12/13/18

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2018 DEC 19 A 10:06
TOWN CLERK
HARLEM, N.Y.

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

Calendar No. Z18-027

Date: December 13, 2018

Property Owner: Manhattanville College

Property Address: 2900 Purchase Street

Block 631 Lot 5

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, Steve Wrable, Esq, on behalf of the property owner, Manhattanville College, filed an application on October 17, 2018 for a variance for a 80 foot protective netting. The property is located in an R-1 Zoning District. The property is legally existing non-conforming with regards to its use. Pursuant to §235-26-C (2) of the Zoning Ordinance, no fence or wall in a required rear or side yard shall have a height greater than 6 feet, 6 inches. The proposed protective netting to be installed is indicated to have a height of 80 feet, thus requiring a variance of 73 feet 6 inches; 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 November 8, 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;

*Z18-027
Manhattanville College
11/8/18*

- (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. Applicant proposes to construct a new two-story athletic building and field improvements consisting of new bleachers and press boxes, the relocation of existing bleachers and a batting cage, and bullpen and the installation of an 80 foot tall net for safety between the existing soccer field and baseball field. The purpose of the netting is to protect spectators and athletes from stray balls from both the baseball and soccer fields.
2. As set forth above, the netting (which consists of transparent mesh) is being installed solely for safety purposes. The nearest street, Andersonville Road, is located approximately 440 feet away from the netting. Accordingly, as a result of the transparent nature of the netting and its location, there will be minimal visual impact relative to Anderson Hill Road.
3. The closest neighbor, the Keio School, has reviewed the proposed improvements and has not raised any concerns.
4. The Planning Board has issued a positive recommendation with respect to the granting of the variance.
5. Based on the above, we find that the granting of the variance will not create an undesirable change in the character of the neighborhood or be a detriment to any nearby properties.
6. Although the variance is substantial, the substantiality of the variance is outweighed by the other findings referred to above.
NOW THEREFORE BE IT RESOLVED, that the application for a variance to allow construction of a 80 foot protective netting as indicated on drawings by Divney Tung &

Z18-027
Manhattanville College
11/8/18

Schwalbe SP-1.0, dated October 17, 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.

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 Steven Lowenthal, seconded by Zoning Board Member Paul Katz at the December 13, 2018 meeting.

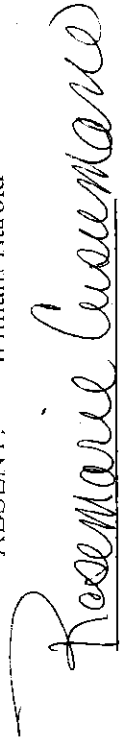
ADOPTED:

AYES: Mark Fisher, Ernest Fiore, Paul Katz, Steven Lowenthal, Thomas Forstel and Michael Tiesi

NAYS: None

ABSTAINED: None

ABSENT: William Harold


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

RECEIVED

2018 DEC 19 A 10: 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.

Z18-027

Manhattanville College

11/8/18