

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Wednesday Evening, April 10, 2019 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>
Z18-029	Rocco DiLuna	846	25	Heard – Closed – Findings being prepared
Z18-032	104 Corporate Park Drive	621	12	Variance Granted
Z19-004	Nicholas & Joyce Noviello	264	1	Variance Granted
Z19-005	Bernard & Cynthia Curry	543	1	Variance Granted
Z19-006	Corinne Ball & Tom Weber	544	17	Variance Granted
Z19-007	Michael & Olivia Curry	225	98	Heard – Closed – Findings being prepared
Z19-008	Daniel & Lora Katsikas	601	66	Heard – Adjourned to the May Meeting
Z19-009	Delilah Galente	834	6	Heard – Adjourned to the May Meeting

The next meeting was scheduled to May 9, 2019.

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

Jacqueline Shear

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. Z18-032

Date: April 10, 2019

Property Owner: 104 Corporate Park Realty LLC

Property Address: 104 Corporate Park Drive Block 621, Lot 12

WHEREAS, the applicant filed an application 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, Seth Mandelbaum, on behalf of the property owner, filed an application on December 17, 2018 with respect to core and shell alterations as well as an addition to an existing office building. This property is located in an SB-O Zoning District and pursuant to §235-12(B) of the Table of Dimensional regulations for commercial property of the Zoning Ordinance of the Town/Village of Harrison the maximum allowable lot coverage is 20%, the minimum allowable front yard setback is 50 feet, the minimum required side yard setback is 75 feet, and the minimum required rear yard setback is 100 feet. The minimum required side/rear buffer is 50 feet. As per §235-17(1)(2) Parking Garages shall not be more than 2 stories above grade. As per §235-47(A) two free standing signs are permitted to located within 5 feet of the principal entrance driveway. As per §235-47(B) each building shall be permitted to have one wall sign attached to or incorporated in the building wall or related structural feature at the principal building entrances. Also such signs to be no greater in area than 20 square feet.

This application requires 9 variances:

- 1) The lot coverage is proposed to be 21%, thus requiring a variance of 1%.
- 2) The front yard setback is proposed to be 48.0 feet, thus requiring a variance of 2.0 feet.
- 3) The side yard setback is proposed to be 35.7 feet thus requiring a variance of 39.3 feet.
- 4) The rear yard setback is proposed to be 88.4 feet thus requiring a variance of 11.6 feet.
- 5) The buffer strip is proposed to be 35.7 feet thus requiring a variance of 14.3 feet.
- 6) The parking garage is proposed to be 3 stories, thus requiring a variance of 1 story.
- 7) The number of signs proposed to be installed on the building is 5, thus requiring a variance for the 3 additional signs.

*104 Corporate Park Realty
Z18-032
4/10/19
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- 8) The number of free standing signs proposed is 3, thus requiring a variance for the 1 additional sign.
- 9) The wall signs are proposed to be greater than 20 square feet thus requiring a variance; 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 10, 2019, February 14, 2019 and March 4, 2019 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, Steve Lowenthal, Thomas Foristel, William Harold 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:

- (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. This application relates to the renovation of a vacant office building located on a 6.53 acre site in an SB-0 Special Business District. The property, which is located on the southern side of Corporate Park Drive at 104 Corporate Park Drive, is adjacent to a similar office building to the west at 102 Corporate Park Drive and is bordered on the south by the Windward School and the Renaissance Hotel. A new Wegman's Food Market is currently under construction at 106-110 Corporate Park Drive which is located to the east of the property and a new multi-family residential development is being constructed to the north across Corporate Park Drive at 103-105 Corporate Park Drive.

2. Applicant is proposing to (a) renovate an existing vacant building to house a new medical office for pediatric ambulatory services as well as a cancer center, (b) construct a new addition to the first floor of the existing building to house a linear accelerator for cancer treatment and (c) construct a new three story parking garage that will connect to the principal building. The renovated building is being leased to Montefiore Medical Center ("Montefiore").

3. The proposed garage will be constructed on the west side of the property adjacent to 102 Corporate Park Drive. That side of the property is bordered by a significant elevated ridgeline and the garage will essentially be tucked into the hillside on the west side. The site of the garage is also significantly lower than the adjacent roadway on Corporate Park Drive.

4. Aside from the variances for the proposed signs, the other 6 variances being sought are all required as a result of the size and location of the proposed 3-story garage. These variances (the "Garage Related Variances") are as follows: (a) a 1% lot coverage variance, (b) a 2 foot front yard variance, (c) a 39.3 foot side yard variance, (d) an 11.6 foot rear yard variance, (e) a 14.3 foot buffer strip variance, and (f) a one story height variance.

5. The current site provides for 397 (on grade) parking spaces which is below the 470 spaces required for the existing building. The additional parking being provided by the proposed garage is needed to accommodate the volume of patients who will visit the site for the proposed medical office use. As a result of the improvements to the property, applicant has submitted a report that indicates that pursuant to the provisions of the Zoning Code, 491 parking spaces are required to be provided. The plans provide for a total of 495 spaces which exceeds the required amount by 4 spaces. The number of parking spaces being provided equates to 5 spaces per 1,000 square feet of net leasable area and applicant has submitted a report that supports that ratio in the case of medical office space such as the improved property. Furthermore, we find that the 4 additional spaces are not excessive in view of the dual purposes of the facility (a pediatric center as

well as a cancer treatment center) and the fact that the additional spaces will serve to mitigate problems associated with patients finding vacant spaces prior to their appointments.

6. As set forth above, the garage is being constructed on the western side of the property at a location that is substantially lower than the adjacent property at 102 Corporate Park Drive as well as the adjacent roadway on Corporate Park Drive. The portion of the site where the garage will be situated is already used for surface parking. As a result of the significant ridgeline referred to above, the peak of the garage will be slightly lower than the surrounding topography, greatly limiting any impacts on surrounding properties. The portion of the property on which the garage is being constructed, adjacent to the main building, also allows greater accessibility to patients. In addition, placement of the garage on the eastern side of the property would impact a number of utility easements, including a natural gas pipeline, water main and sanitary sewer. The garage will also be screened from view from the properties to the south. Accordingly, the proposed location of the garage is the most appropriate location on the property for the garage to be situated.

7. The property is located in an existing SB-0 zone and the change of use from ordinary office to medical office use is in keeping with the character of the neighborhood. The closest neighboring property to the west at 102 Corporate Park Drive is the site of an office building. That neighbor's property is the one that would be most affected by the granting of the Garage Related Variances. However, any potential impact on that property is largely minimized by the topography of the area and the significant ridgeline between 102 Corporate Park Drive and applicant's property. The properties to the south are located a substantial distance away and are shielded from view by significant existing screening. The location of the garage on the west side of the property should eliminate any impact that the granting of the Garage Related Variances would have on the Wegman's property located to the east. Furthermore, the fact that the site of the garage is significantly lower than the adjacent roadway on Corporate Park Drive should minimize any potential impact that the granting of the Garage Related Variances would have on properties to the north.

8. While a number of the Garage Related Variances are, from a numerical standpoint a substantial (for example, the variance for the additional story and the side yard variance), the substantiality of these variances should be assessed based on the overall impact that the granting of those variances will have under the factors we are required to consider.

9. While the parking garage will, to a limited extent extend into the 50 foot required buffer strip, no work is being performed within the 100 foot wetland buffer. In addition, the garage will be located in an area that is already improved with surface parking.

10. Applicant's alleged difficulty is self-created in that applicant acquired the property recently and is charged with full knowledge of the requirements of the

Ordinance. While this finding is relevant to our determination, it does not preclude the granting of the variances being sought.

11. The need for the Garage Related Variances are directly related to the construction of the 3 story garage. Based on the factors set forth above, we find (a) that the granting of the Garage Related Variances will not create an undesirable change in the character of the neighborhood or create a detriment to any nearby properties, (b) the benefit sought by applicant cannot be achieved by any other method other than the granting of the Garage Related Variances, (c) the benefits to the applicant outweigh any detriment to the health, safety and welfare of the neighborhood, (d) the numerical substantiality of certain of the variances is offset by the other factors discussed above and (e) the granting of the variances will not have an adverse impact on the physical or environmental conditions of the neighborhood..

12. Applicant is also seeking a number of variances relating to the signage at the site. In response to concerns expressed by the Board, applicant has reduced the number and size of the signage variances that it originally sought. In assessing the need for the signage variances we have taken into account the fact that the new facility will be used for two distinct purposes – the operation by Montefiore of a medical office for pediatric ambulatory services (the “Montefiore Facility”) and the operation by Westmed Medical Group of a cancer treatment center (the “Westmed Facility”). There will be separate entrances into the building for each operation as well as two separate entrances into the parking garage.

13. The first signage variance relates to the number of wall signs. The Ordinance allows for two signs as compared to the five signs which are proposed. The five proposed signs are as follows: (a) a Montefiore sign at the entrance to the Montefiore Facility, (b) a Westmed sign at the entrance to the Westmed Facility, (c) a Montefiore Wayfinding Sign on the side of the building on which the entrance to the Montefiore Facility is located, (d) a Westmed Wayfinding Sign on the side of the building on which the entrance to the Westmed Facility is located and (e) a sign at the entrance to the parking garage.

14. The second signage variance relates to the number of freestanding signs. Three signs are proposed as compared to the two signs permitted by the Ordinance. Two of the signs will be located at the entrance to the property and are replacing two existing signs and one sign will be located at an employee entrance to the parking garage from a new curb cut on Corporate Park Drive.

15. The 5 wall signs all exceed the 20 square foot requirement of the Ordinance. The two signs at the entrances to the Montefiore Facility and the Westmed Facility are each 125 square feet, the two Wayfinding Signs are each 40 square feet and the garage sign is 38 square feet.

16. It is anticipated that the new facility will attract a large volume of patients. Since there are two separate operations being conducted at the facility, as well as a

separate parking garage, signs are clearly required in order to properly direct patients within the campus. The Montefiore and Westmed wall signs at the entrance to each of the respective facilities are clearly needed in order to identify the respective entrances. The two Wayfinding Signs serve two functions. The first is to identify that side of the building as the site of either the Montefiore Facility or the Westmed Facility and the second is to provide a directional arrow to the entrance to that facility. In the case of the Westmed Wayfinding Sign, the directional arrow also points towards the location of the parking garage. The wall sign at the entrance to the parking garage is obviously needed to direct visitors into the parking garage. Accordingly, all of the wall signs serve legitimate functions.

17. The three ground signs are needed in order to adequately direct traffic onto the site and to properly identify the proposed new curb cut as an entrance for employees only.

18. The size of the Montefiore sign over the entrance to the Montefiore Facility is needed in order to allow drivers proceeding on Corporate Park Drive to identify the building as a Montefiore office. None of the other signs will be visible from any adjacent property. The number and size of the wall signs are needed in order to ensure visitors to the property are able to identify entrances and be apprised of proper directions once they reach the site.

NOW THEREFORE BE IT RESOLVED, that the application for lot coverage, front, side and rear yard, buffer strip, height (number of stories) and signage variances to allow the renovation and an addition to an office building, the construction of a garage and the erection of signs in accordance with 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.

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 William Harold, seconded by Zoning Board Member Thomas Foristel at the April 10, 2019 meeting.

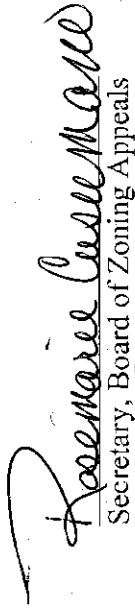
ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: Paul Katz


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.

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TOWN CLERK
HARTFORD, CT

104 Corporate Park Realty
Z18-032
4/10/19

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

Calendar Z19-004

Date: April 10, 2019

Property Owner: Nicholas & Joyce Noviello

Property Address: 95 Webster Ave.

Block 264 Lot 1

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, the owners of 95 Webster Ave, Nicholas & Joyce Noviello, filed an application on January 17, 2019 for a variance from the Zoning Ordinance to install a generator 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 minimum front yard setback of 20' in a B zone. The location of the proposed generator will reduce the front yard setback to 17 feet 6 inches requiring a variance of 2 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 March 14, 2019 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present or indicated that they listened to tapes of the meeting: William Harrold, Ernest Fiore, Mark Fisher, Michael Tiesi and Steve Lowenthal,

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

*Z19-004
Noviello
4/10/19*

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:

- A) The addition of the unit does not substantially encroach upon the setback located at the front of the premises.
- B) The addition of the unit cannot be installed in an alternate location on the property as the utility lines do extend to the rear yard
- C) The installation does not change the character of the neighborhood.
- D) There were no objections from adjacent neighbors.
- E) Based on the owner manual, the unit is of a quiet operation level type and would minimize any noise disturbance.

NOW THEREFORE BE IT RESOLVED, that the application for permission to install a generator unit 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.

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.

Z19-004
Noviello
4/10/19

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 Ernest Fiore, seconded by Steven Lowenthal at the 4/10/2019 meeting.

ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: Paul Katz


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

RECEIVED

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TOWN CLERK
HARRISON, NY

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Z19-004
Noviello
4/10/19

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

Calendar No. Z19-005

Date: April 10, 2019

Property Owner: Bernard Curry

Property Address: 4 Belmont Avenue

Block 543, Lot 1

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, Douglas Wilk filed an application on February 19, 2019 on behalf of Bernard Curry for a variance for a storage shed attached to an existing pool house. This property is located in an R-1 Zoning District and the property is located on a corner thus having two front yards. Pursuant to §235-18(B) of the Zoning Ordinance of the Town/Village of Harrison no accessory building or structure in a R-1 District shall be located nearer to the street line than 75 Feet. The proposed shed addition to the pool house indicates a setback from the property line along the street frontage of 66 feet 2 inches, thus requiring a variance of 8 feet 10 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 March 14, 2019 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:

Z19-005
Curry
4/10/19

- (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. This application relates to the construction of a storage shed attached to an existing pool house that will be located 66 feet 2 inches feet from one of the front yard property lines.
2. We have previously granted a street frontage variance (Calendar Z17-30) with respect to the pool house to which the storage shed is proposed to be attached. The pool was located 53.73 feet from the front yard property line and we granted a 21.27 foot variance. The storage shed will be located 66 feet, 2 inches from the same front yard property line and will require an 8 foot, 10 inch variance or almost 13 feet less than the prior variance.
3. This property has two front yards. One of the front yards borders on the golf course of the Westchester Country Club. Applicant has submitted a letter from a representative of the Club indicating that they have no objection to the proposed project.
4. The closest neighbor to the other front yard is located a substantial distance away from applicant's property. In connection with the prior variance, Applicant submitted a screening plan providing for the planting of approximately 37 10 foot fir trees that will effectively screen the storage shed from view from the adjacent property.
5. There are other properties in the area with pool houses and the construction of the attached storage shed will not produce an undesirable change in the character of the neighborhood.

Z19-005
Curry
4/10/19

NOW THEREFORE BE IT RESOLVED, that the application for permission to construct a storage shed within the required front yard setback as indicated in the plans submitted with this application be, and the same is hereby granted subject to the following.

The granting of this variance is specifically conditioned on the installation, and continued maintenance, of a screening plan, dated October 13, 2017, prepared by Mitchell Wilk Architecture, consisting of approximately 37 10 foot fir trees.

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 Mitchell Wilk Architecture, A001, A203, A204, A208, A209, A601, A602 dated 2/1/19.

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 April 10, 2019 meeting.

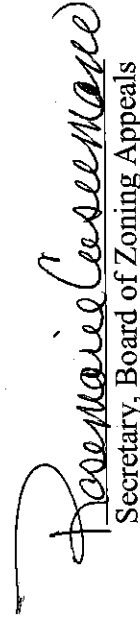
ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: Paul Katz


Secretary, Board of Zoning Appeals

Z19-005
Curry
4/10/19

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2019 APR 11 P 4: 05
TOWN OF NEW
HARRISBURG, PA



Chairman, Board of Zoning Appeals

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Z19-005
Cary
4/10/19

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

Calendar No. Z19-006

Date: April 10, 2019

Property Owner: Corinne Ball & Tom Weber

Property Address: 14 Griswold Road

Block 544 Lot 17

WHEREAS, the applicant, the property owner, filed plans 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, John Downs, on behalf of the property owner, Corinne Ball and Thomas Weber, filed an application on February 14, 2019 for a variance to construct a rear deck. This property is located in an R-1 Zoning District and pursuant to the Code of the Town/Village of Harrison §235-9(B) of the Table of Dimensional Regulations the minimum required side yard setback is 20 feet. The proposed deck is shown to have a side yard setback of 17.9 feet, thus requiring a variance of 2.1 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 March 14, 2019 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:

*Z19-006
Ball/Weber
4/10/19*

- (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. This application relates to the construction of a deck addition to an existing deck that will be located 17.9 feet from the side yard property line.
2. The property is heavily screened where the deck addition is being proposed and, as a result, will not be visible from the adjacent property.
3. The proposed deck addition bordering the side yard will be constructed in line with the existing home.
4. As a result of the above findings, 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.
5. No neighbors appeared in opposition to the application.

NOW THEREFORE BE IT RESOLVED, that the application for a side yard variance for a wood deck addition as indicated on drawings submitted by John Downs Architect Planner LLC, SP-1, A-00, A-0, A-1, A-3 dated October 11, 2017 and survey submitted by Aristotle Bournazos, P.C. Land Surveyors, dated June 28, 2017 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 Steven Lowenthal, seconded by Zoning Board Member Thomas Foristel at the April 10, 2019 meeting.

ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: Paul Katz


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

2019 APR 11 P 4: 06

THOMAS FORISTEL
HARRISBURG, PA

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.

Z19-006
Bill Weher
4/10/19