

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, August 8, 2019 at 8:00 p.m., in the Court Room of the Municipal Building.

Members Present
Mark I. Fisher, Chairman
Paul Katz
Steven Lowenthal
William Harold
Michael Tiesi

Members Absent
Ernest Fiore
Thomas Foristel

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>
Z19-014	Louis Camardella	375	6	Heard – Adjourned to the September Meeting
Z19-016	Trifone Demarinis	762	8	Variance Granted

The next meeting was scheduled to September 12, 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

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

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BOARD OF ZONING APPEALS

TOWN/VILLAGE OF HARRISON, NEW YORK

Calendar No. Z19-016

Date: August 8, 2019

Property Owner: Trifone Demarinis

Property Address: 12 Kingston Avenue

Block 762 Lot 8

WHEREAS, the applicant, the property owner, filed plans for a storage shed 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, Trifone Demarinis filed on June 20, 2019, an application for an area variance from the Zoning Ordinance to legalize an existing shed located at 12 Kingston Avenue. The property is situated in an R-75 Zoning District and pursuant to §235-18 A 4, accessory buildings, including private garages, shall not be placed within a required front yard nor within a required side yard. The side yard setback in an R-75 Zoning District is 10 feet; the existing shed reduces the side yard to 5 feet 6 inches thus requiring a variance for 4 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 July 11, 2019, after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present: Mark Fisher, Paul Katz, Ernest Fiore, Steve Lowenthal, Tom Foristel, William Harrold 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 thereunder, 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

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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 an area variance;
- (D) whether the requested variance is substantial;
- (E) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
- (F) whether the alleged difficulty was self-created.

WHEREUPON, the Board found, after due deliberation, based upon the testimony and documents submitted and its site visit, pursuant to Town Law §§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 legalization of an existing storage shed that is located 5 feet 6 inches from the side yard property line.
2. The storage shed was erected earlier this year and applicant received a building permit for the erection of the shed.
3. Applicant's property is located at a higher elevation than the adjacent property which would be affected by the granting of a variance. The properties are also separated by a retaining wall. In addition, applicant has agreed to plant 3 6-7 foot arbovitae on the side of the shed to minimize any potential visual impact on the adjacent neighbor. We are specifically conditioning the granting of the variance on the completion, and continued maintenance, of the foregoing plantings.
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.
6. We find the benefits indicated above to the applicant if the variance is granted outweigh any potential detriment to the health, safety and welfare of the neighborhood.

NOW THEREFORE BE IT RESOLVED, that the application for a 4 foot 6 inch side yard variance with respect to an existing storage shed in the side yard of the property on Kingston Avenue, and hereby is 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.

Granting of the variance is subject to the completion and continued maintenance of the screening added to drawing 1 of 2, dated July 22, 2019, and submitted with this application.

Foregoing Resolution submitted by Zoning Board Member Steven Lowenthal, seconded by Zoning Board Member Michael Tiesi at the July 11, 2019 meeting.

ADOPTED:

Mark Fisher, Paul Katz, Steven Lowenthal, William Harold and Michael Tiesi

AYES:

None

NAYS:

None

ABSTAINED:

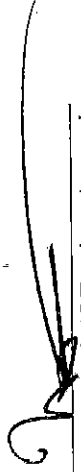
None

ABSENT:

Ernest Fiore and Thomas Foristel



Secretary, Board of Zoning Appeals



Chairman, Board of Zoning Appeals

2019 AUG 9 P 12:20
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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