

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, October 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>
Z19-018	Barletta & Barletta Family Trust	215	114&115	Not Heard – Adjourned to November
Z19-019	Harold Eylward	581	6	Heard – Adjourned to November
Z19-020	Michael Barton	312	20	Heard – Adjourned to November
Z19-021	Greg Jakubowsky	543	7	Heard – Closed – Findings being prepared
Z19-022	33 Calvert Properties, LLC	121	22&29	Variance Granted
Z19-023	Mark Tamucci	172	29	Not Heard – Adjourned to November
Z19-024	Alison Mollicone	281	51	Heard – Closed – Findings being prepared
Z19-025	Alfred & Margaret Kelly	563	14	Heard – Closed – Findings being prepared

The next meeting was scheduled to November 14, 2019.

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

Paqueline Allen
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. Z19-022

Date: October 10, 2019

Property Owners: 33 Calvert Properties LLC

Property Address: 33 Calvert Street

Block 121 Lots 22 & 29

WHEREAS, the property owner filed a site plan for a proposed 24 unit multi-family building over a garage and retail space and the 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, Steven Wrable, on behalf of 33 Calvert Properties LLC, filed on August 23, 2019, an application for an area variance from the Zoning Ordinance to construct a mixed use building consisting of a 3-story multi-family 24 units over a garage and commercial space. This property is located in an PB Zoning District and pursuant to §235-12(B) of the Table of Dimensional Regulations of the Zoning Ordinance of the Town/Village of Harrison the required side yard setback is 0 feet or if provided 10 feet. The proposed structure is shown to have a setback of 3 feet; thus requiring a variance of 7 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 12, 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, 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. 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;

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- (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. In 2007 the Zoning Board granted a number of variances relating to this project (Calendar Z07-038). Subsequent to 2007 the Zoning Board also granted extensions of the original variances.
2. Applicant is in the process of commencing construction of the project in accordance with the plans filed in connection with the granting of the variances in 2007. Although there has been no change in the original plans, it has now been determined that a side yard variance is required on the west side of the building adjacent to the municipal train station parking lot. The original plans, as well as the current plans, both provide for a 3 foot setback and the Ordinance provides that the setback can be either 10 feet or 0 feet. Accordingly a 7 foot variance is required.
3. As set forth above, the west side of the building abuts the municipal parking lot and the 3 foot setback is required to provide the required fire egress to the street from two locations on the rear and side of the building.
4. In view of the location of the property, the granting of the variance will not create an undesirable change in the character of the neighborhood and there appears to be no benefit gained by either providing for a 10 foot setback or no setback at all.
5. The other factors that we are required to consider were thoroughly vetted in connection with the granting of the original variances in 2007.

NOW THEREFORE BE IT RESOLVED, that the application for a side yard setback variance to allow construct a mixed use building consisting of a 3-story multi-family 24 units over a garage and commercial space, in accordance with plans submitted with this application by Papp Architects, dated 8/8/1 SD-001 and SD-101, be, and the same is hereby granted, subject to the following conditions:

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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 Steven Lowenthal at the October 10, 2019 meeting.

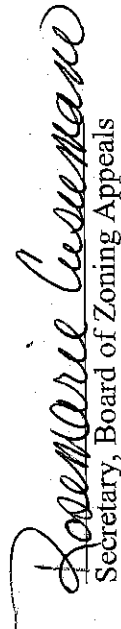
ADOPTED: Mark Fisher, Ernest Fiore, Paul Katz, Steven Lowenthal, Thomas Forstel, William Harold and Michael Tiesi

AYES: None

NAYS: None

ABSTAINED: None

ABSENT: None


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

RECEIVED
2019 OCT 15 A 10:25
TOWN CLERK
TOWN OF CALVERT

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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