

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, January 9, 2020 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

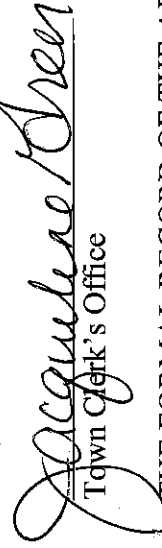
Members Absent

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 February
Z19-020	Michael Barton	312	20	Heard – Closed – Findings being prepared
Z19-030	Marc El Khoury	721	28	Heard – Adjourned to February
Z19-031	Guy Wildenstein	641	9	Heard – Withdrawn without prejudices
Z19-032	Robert Mackey	374	38	Heard – Closed – Findings being prepare
Z19-035	Manuel Ulloa	508	75	Variance Granted
Z19-036	Craig & Taylor Cannon	642	27	Not Heard – Adjourned to February
Z19-037	Mie Wong	824	24	Heard – Adjourned to February

The next meeting was scheduled to February 13, 2020.

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


Town Clerk's Office


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. Z19-035

Date: January 9, 2020

Property Owner: Manuel Ulloa

Property Address: 86 Fenimore Drive

Block 508 Lot 75

WHEREAS, the applicant, the property owner, filed plans to legalize an existing rear 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 the Code's requirements; and

WHEREAS, Eric Jacobsen, on behalf of Manuel Ulloa, filed an application on November 15, 2019 for an area variance from the Zoning Ordinance for the construction of a two-story addition and deck. The property is legally existing and non-conforming with regards to the lot area (16,988 sq), front yard setback (23.4 feet) and rear yard setback (18 feet). Pursuant to §235-9B of the Table of Dimensional Regulation of the Zoning Ordinance of the Town/Village of Harrison the minimum rear yard setback is 50 feet. *The proposed second story addition with a deck is shown to have a rear yard setback of 22 feet; thus requiring a variance of 28 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 December 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. 888-0101 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, owner of the property, 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:

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- (A) the benefits to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of 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. The application relates to the construction of a second story addition over an existing first floor and the construction of a wooden deck.
2. The property is located in the R-1 Zoning District and is legally existing and non-conforming with regards to the lot area (16,988 sq), front yard setback (23.4 feet) and rear yard setback (18 feet).
3. An 18 foot variance is required as the corner of the wooden deck is located 22 feet from the rear yard property line. The setback to the proposed addition is 32 feet and that addition is being constructed within the existing footprint of the house.
4. The rear of the property backs up on a heavily wooded area and the only house adjacent to the rear yard is situated at a substantially high elevation. Accordingly, the granting of a variance will have no visual impact on any adjacent property.
5. The granting of a variance will not produce an undesirable change in the character of the neighborhood.

NOW THEREFORE BE IT RESOLVED, that the application for a 28 foot rear yard variance with respect to a proposed 2nd story addition and wooden deck be and it hereby is 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.

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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 Ernest Fiore, seconded by Zoning Board Member Steven Lowenthal, at the meeting on January 9, 2020.

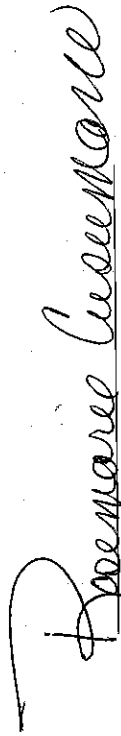
ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: None


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

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.

TOWN CLERK
HARRISON NY
JAN 10 2020

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