

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, May 14, 2020 at 7:00 p.m., Held Via Video Conference using the Platform Zoom, Harrison, New York.

Members Present

Paul Katz, Acting Chairman
Ernest Fiore
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 June
Z19-030	Marc El Khoury	721	28	Variance Granted
Z19-037	Mie Wong	824	24	Variance Granted
Z20-004	John Trimble	546	12	Variance Granted
Z20-005	Helen Karasoulas	61	13	Variance Granted
Z20-006	Kasia Stevens	247	21	Heard – Closed – Findings being prepared
Z20-007	Joseph Giaimo	951	23	Heard – Closed – Findings being prepared
Z20-008	111 Gainsborg LLC	846	25	Extension Granted
Z20-009	Brett Bilodeau	915	2	Heard – Closed – Findings being prepared

The next meeting was scheduled to June 11, 2020.

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

Jacqueline Chen
Town Clerk's Office

Rosemarie Cusumano
Rosemarie Cusumano, Secretary

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

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

Calendar No. Z19-030

Date: May 14, 2020

Property Owner: Marc El Khoury

Property Address: 96 Parkview Avenue

Block 721, Lot 28

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, Mark Mustacato, on behalf of the property owner, Mark El Khoury and May Skoury filed an application on November 6, 2019 for an area variance for a proposed garage addition and alteration. The property is located in an R-75 Zoning District and is legally existing non-conforming with regards to the lot area and rear yard setback and pursuant to §235-9B of the Table of Dimensional Regulations of the Zoning Ordinance of the Town/Village of Harrison the allowable lot coverage is 20%. *The new addition will increase the total lot coverage to 24.6%; thus requiring a 4.6% variance. The front yard setback is 30 feet; the addition reduces the front yard setback to 27.5 feet; thus requiring a 2.5 foot 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 December 12, 2019, January 9, 2020, February 13, 2020 and March 12, 2020 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: Paul Katz, Ernest Fiore, 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, 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;

*Z19-030
El Khoury
5/14/2020*

- (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 R-75 Zoning District where 7,500 square feet is required and is existing non-conforming at 5,428 square feet. The existing home is 99% outside of the required building envelope and has a rear yard setback of 2 feet which is existing legally non-conforming.
2. In response to concerns expressed by the Board, Applicant has revised the plans originally filed to reduce the width and length of the garage, which in turn has reduced the size of the lot coverage variance and the front yard setback variance.
3. There were no objections from neighbors.
4. The appearance has to be in keeping with the character of the neighborhood and must be reviewed by the Architectural Review Board prior to a building permit.

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 a garage addition, as indicated in the revised plans submitted with this application be, and the same is hereby granted subject to the following.

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 RMG Associates, A-1, A-2 dated August 26, 2019, last revised February 25, 2020.

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El Khoury
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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 William Harold, seconded by Zoning Board Member Ernest Fiore at the May 14, 2020 meeting.

ADOPTED:

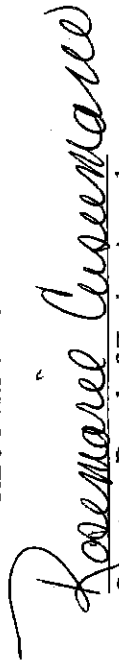
AYES: Paul Katz, Ernest Fiore, Thomas Foristel, William Harold and Michael Tiesi

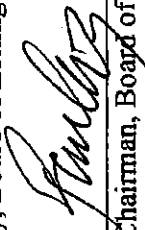
NAYS: None

ABSTAINED: None

ABSENT: None

RECUSED: Steven Lowenthal


Secretary, Board of Zoning Appeals


Acting 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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Z19-030
El Khoury
5/14/2020

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

Calendar No. Z18-037

Date: May 14, 2020

Property Owner: Mie Wong

Property Address: 10 Oak Street

Block 824 Lot 24

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, Tapani Talo, Architect, filed on behalf of Mie Wong, owner an application on December 17, 2019 for a variance from the Zoning Ordinance to legalize a parking area on a property that is located in a B Zoning District and pursuant to §235-18B(3) of the Zoning Ordinance of the Town/Village of Harrison. Accessory off-street parking spaces, other than those which might be incidentally available within the actual driveway area, shall not be located within any front yard or required side yard or within 10 feet from any property line in a required rear yard. Furthermore pursuant to §235-36 Schedule of off-street parking spaces requirements for residential uses is as follows; 2 per dwelling unit. *The legalization of the parking area requires 2 variances. 1: Parking in the required front yard. 2: Parking requirements in the B Zone are 4 parking spaces, the newly created parking area only allows for 2; thus requiring a variance for 2 parking spaces 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 9, 2020, February 13, 2020 and March 12, 2020 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: Ernest Fiore, Paul Katz, Steve Lowenthal, Tom Foristel, Billy 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

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Wong

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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 involves a request to create a parking area within the required front yard. The house located on the property was constructed in 1924 and does not have a garage.
2. Applicant has submitted visual evidence indicating that the extended driveway is sufficient to accommodate two parked cars.
3. We have in the past in unique circumstances granted variances for driveways located in a required front yard in West Harrison. As set forth below, we find that the current variance provides such a unique circumstance.
4. Applicant's property is not the only property without a full driveway in the immediate neighborhood. The neighbor to the right got a permit to close in their garage to create habitable space. We do not in any event view this as creating a precedent for the granting of variances for driveways in required yards.

Z18-037
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5/14/2020

5. One neighbor did appear in favor of the application.
6. The appearance has to be in keeping with the character of the neighborhood and may be reviewed by the Architectural Review Board prior to a building permit.

NOW THEREFORE BE IT RESOLVED, that the application for variances to legalize the construction of the parking area as indicated in the plans submitted with this application be, and the same are 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 Ernest Fiore, seconded by Zoning Board Member Thomas Foristel at the May 14, 2020 meeting.

ADOPTED:

AYES: Paul Katz, Ernest Fiore, Thomas Foristel, William Harold and Michael Tiesi

NAYS: None

ABSTAINED: None

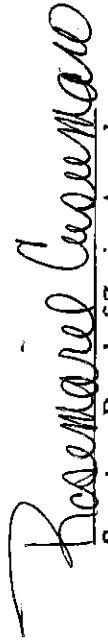
ABSENT: None

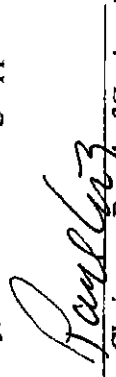
RECUSED: Steven Lowenthal

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Wong

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Secretary, Board of Zoning Appeals


Acting 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
MAY 14 2020

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Z18-037
Wong
5/14/2020

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

Calendar No. Z20-004

Date: May 14, 2020

Property Owner: John Trimble

Property Address: 2 Stonegate Lane

Block 546, Lot 12

WHEREAS, the applicant, the property owner, filed plans for a pool house 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, David Mooney Architecture filed an application on January 22, 2020 on behalf of John Trimble for a variance for a new 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 §235-18B(2a) no accessory building or structure in an R-District shall be located nearer to the street line than 75 feet. *The pool house reduces the front yard setback to 42 feet; thus requiring a 33 foot 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 March 12, 2020 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present at the meeting: Ernest Fiore, Paul Katz, 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

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;

*Z20-004
Trimble
5/14/2020*

- (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 pool house that will be located approximately 42 feet from the front yard property line adjacent to Purchase Street thereby requiring a 33 foot variance.
2. The applicant obtained a building permit and during construction the Building Department realized that the property has two front yards.
3. The side of the property on which the pool house is being constructed is substantially higher than Purchase Street and only the peak of the Pool House is visible from Purchase Street. In addition, the pool house is not visible from any adjacent property. According, the granting of a variance will not create an undesirable change in the character of the neighborhood or create a detriment to any nearby property.
4. There were no objections from neighbors.
5. The appearance has to be in keeping with the character of the neighborhood and must be reviewed by the Architectural Review Board prior to a building permit.

NOW THEREFORE BE IT RESOLVED, that the application for permission to construct a pool house 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.

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.

Z20-004
Trimble
5/14/2020

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 Firistal at the May 14, 2020 meeting.

ADOPTED:

AYES: Paul Katz, Ernest Fiore, Thomas Foristel, William Harold and Michael Tiesi

NAYS: None

ABSTAINED: None

ABSENT: None

RECUSED: Steven Lowenthal

Rosemarie Cusemone
Secretary, Board of Zoning Appeals

Paul Katz
Acting Chairman, Board of Zoning Appeals

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Z20-004
Trimble
5/14/2020

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

Calendar No. Z20-005

Date: May 12, 2020

Property Owner: Helen Karasoulas

Property Address: 27 Frances Avenue

Block 61 Lot 13

WHEREAS, the applicant, the property owner, filed an application for a new 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, Helen Karasoulas filed an application on 2/10/2020 for a variance to construct a new deck at the above referenced property. The property is located in a B Zoning District and pursuant to 235-9B of the Zoning Ordinance, a 25 foot rear yard setback are required. The wood deck provides for a rear yard setback 13.35 ft. thus requiring a variance of 11.65 ft.

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 12, 2020 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present: William Harold, Paul Katz, Thomas Foristel, Michael Tiesi, and Ernest Fiore; 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:

Z20-005
Karasoulas
5/14/2020

- (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 proposing to replace an existing 12 by 14 foot deck located 13.35 feet from the rear property line with an identically sized new deck. The existing deck is in poor condition, having been originally constructed more than 40 years ago, and needs to be replaced.
2. An upper deck, which was originally constructed at the same time as the lower deck, will be demolished. The upper deck is 10 by 20 feet and extends into the required side yard setback.
3. Applicant's rear yard backs up onto a garage and the back of a house located on Second Street.
4. The existing decks have been in their present location for more than 40 years with no apparent detriment to any adjacent property. In addition, removal of the upper deck will eliminate an existing non-conformity as well as increase the light and views for the adjacent properties.
5. In view of the foregoing, the granting of a variance will not produce an unfavorable change in the character of the neighborhood or create a detriment to any nearby property.

NOW THEREFORE BE IT RESOLVED, that the application for a rear yard variance to allow construction of a deck and stairs 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.

Z20-005
Karasoulas
5/14/2020

This variance shall lapse unless construction begins within one year from the date of 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 of 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 Michael Tiesi at the May 12, 2020 meeting.

ADOPTED:

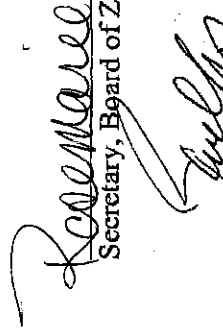
AYES: Paul Katz, Ernest Fiore, Thomas Foristel, William Harold and Michael Tiesi

NAYS: None

ABSTAINED: None

ABSENT: None

RECUSED: Steven Lowenthal


Secretary, Board of Zoning Appeals


Acting Chairman, Board of Zoning Appeals

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Z20-005
Karasoulas
5/14/2020

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