

# ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, June 11, 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  
Thomas Haynes

## 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	Heard – Adjourned to July
Z20-006	Kasia Stevens	247	21	Variance Granted
Z20-007	Joseph Giaimo	951	23	Variance Granted
Z20-009	Brett Bilodeau	915	2	Variance Granted
Z20-010	Martin Livinston	514	5	Heard – Adjourned to July
Z20-011	Konnor Miculcy	716	27	Heard – Closed – Findings being prepared
Z20-012	Antonio & Philomena Corvino	545	17	Heard – Closed – Findings being prepared

The next meeting was scheduled to July 9, 2020.

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

*Jacqueline Sheer*

*Rosemarie Cusumano*  
Rosemarie Cusumano, Secretary

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

Calendar No. Z20-006

Date: June 11, 2020

Property Owner: Kasia Stevens

Property Address: 16 Emerson Avenue

Block 247, Lot 21

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, Kasia Stevens filed an application on March 9, 2020 for an area variance for a proposed addition and alteration. This property is located in an R-75 Zoning District and is legally existing non-conforming with regards to the lot area (5000sf), lot width (50 feet) and the side yard setbacks (9.4 feet and 8.3 feet). Pursuant to §235-9B of the Table of Dimensional Regulations of the Code of the Town/Village of Harrison: *The application will require 3 variances: 1) The maximum lot coverage is 20%, the proposed lot coverage of 22.3%; thus requiring a variance of 2.3%. 2) The side yard setback abutting a side street on a corner lot is 15 feet, the proposed setback is 9.4 feet; thus requiring a variance of 5.6 feet. 3) The minimum side yard setback is 10 feet, the proposed setback is 8.3 feet; thus requiring a variance of 1.7 feet;* and

WHEREAS, a Public Hearing on this application was duly scheduled and held by the Board of Zoning Appeals, held via Video Conference using the Platform Zoom, Harrison, New York, at 7:00 p.m., on May 14, 2020 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present at the meeting: 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;
- (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 5,000 square feet. The property also fronts on two streets, Emerson Avenue and Danner Avenue.
2. The proposed seconded story addition on Danner Avenue is to be constructed over an existing addition and the addition to the existing first floor will follow the existing addition and not further encroach into the side yard.
3. The proposed rear second story addition is to be construction over an existing one story and the proposed two story addition will not further encroach into the side yard any further than the existing home.
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.

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

Z20-006  
 Stevens  
 6/11/2020

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, A-3 dated February 21, 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 Steven Lowenthal, seconded by Zoning Board Member William Harold at the June 11, 2020 meeting.

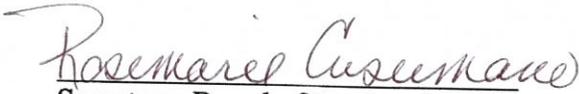
ADOPTED:

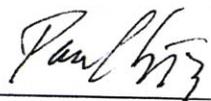
AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel,  
William Harold and Michael Tiesi

NAYS: None

ABSTAINED: None

ABSENT: None

  
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.

Z20-006  
Stevens  
6/11/2020

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HARRISON, NY

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

Calendar No. Z20-007

Date: June 11, 2020

Property Owner: Joseph Giaimo

Property Address: 1 Stone Bridge Road

Block 951, Lot 23

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, Justin Minieri, on behalf of the property owner, Joseph Giaimo filed an application on March 16, 2020 for an area variance for a proposed addition to an existing garage. This property is located in an R-1 Zoning District and pursuant to §235-9B of the Table of Dimensional Regulations of the Town/Village of Harrison the side yard setback is 20 feet. *The proposed one-story addition to the garage reduces the side yard setback to 7 feet; thus requiring a 13 foot variance;* and

WHEREAS, a Public Hearing on this application was duly scheduled and held by the Board of Zoning Appeals, held via Video Conference using the Platform Zoom, Harrison, New York, at 7:00 p.m., on May 14, 2020 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present at the meeting: 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;
- (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-1 Zoning District where a side yard setback is 20 feet. The property also fronts on two streets, Stone Bridge Road and Purchase Street.
2. The proposed addition to the existing garage will reduce the side yard setback to 7 feet.
3. There is adequate screening of Pine trees between 3 and 1 Stone Bridge Road
4. There were no objections from neighbors and the Board received a letter from the nearest affected neighbor of 3 Stone Bridge Road in favor of the application dated May 15, 2020.
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.

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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 Justin F. Minieri, AIA, A01, A02, A03, A06, A08 dated January 31, 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 Thomas Foristel, seconded by Zoning Board Member Ernest Fiore at the June 11, 2020 meeting.

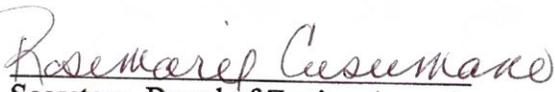
**ADOPTED:**

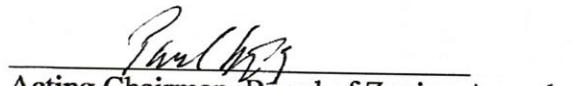
AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel and Michael Tiesi

NAYS: William Harold

ABSTAINED: None

ABSENT: None

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

Calendar No. Z20-009

Date: June 11, 2020

Property Owner: Brett Bilodeau

Property Address: 295 Gainsborg Ave.

Block 915 Lot 2

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, Brett & Jennifer Bilodeau, filed an application on April 17, 2020 for a variance from the Zoning Ordinance to construct a swimming pool located at 295 Gainsborg Ave. in a B zoning district. The Code of the Town/Village of Harrison, Sec 235-28A titled Swimming Pools, in a B district, no swimming pools, pumps, filters, compressors or other pool related equipment shall be located within 20 feet of the side and rear property lines nor shall be set back less than 60 feet from any street. The proposed site plan indicates a swimming pool location to be 49 ft. from Washington St., therefore a variance of 11 ft. is required; 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 May 14, 2020 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present: Paul Katz, Ernest Fiore, Steve Lowenthal, Tom Foristel, William Harrold 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:

Z20-009  
Bilodeau  
6/11/2020

- (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:

- A) There would be no apparent detriment to the surrounding properties or the neighborhood.
- B) The character of the neighborhood would not change.
- C) There were no objections from any of the neighbors.
- D) The lot is a corner lot and is considered to have two front yards which has different setbacks than an interior lot; thus the reason for the large setback from Washington Street.

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

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

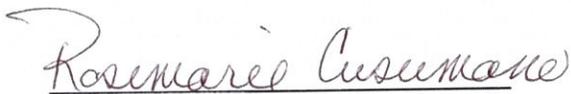
the terms of this condition. Construction shall be deemed to have been completed when the Building Department has issued a Certificate of Occupancy.

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 William Harold at the June 11, 2020 meeting.

ADOPTED:

AYES:	Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel, William Harold and Michael Tiesi
NAYS:	None
ABSTAINED:	None
ABSENT:	None

  
Secretary, Board of Zoning Appeals

  
Acting Chairman, Board of Zoning Appeals

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