

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, July 9, 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 – Closed – Findings being prepared
Z20-010	Martin Livinston	514	5	Not Heard – Withdrawn without prejudice
Z20-011	Konnor Miculey	716	27	Variance Granted
Z20-012	Antonio & Philomena Corvino	545	17	Variance Granted
Z20-013	Marco & Anna Berardi	301	20	Heard – Closed – Findings being prepared
Z20-014	Diego Castillo & Bruni Topete	472	62	Heard – Closed – Findings being prepared
Z20-015	Elias Rabadi	822	13	Heard – Closed – Findings being prepared

The next meeting was scheduled to August 13, 2020.

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

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

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

2020 JUL 13 P 12:42

RECEIVED

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

Calendar No. Z20-011

Property Owner: Konnor Miculey

Property Address: 282 Duxbury Rd.

Date: Jul. 9, 2020

Block 716 Lot 27

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, Konnor Miculey filed an application on 5/17/2020 for a variance to construct a deck at the above referenced property. The property is located in an R-1/3 Zoning District and pursuant to 235-9B of the Zoning Ordinance, a 25 foot rear yard setback is required. The wood deck reduces the rear yard setback to 18 ft. thus requiring a variance of 7 ft.

WHEREAS, a Public Hearing on this application was duly scheduled and held by the Board of Zoning Appeals, via Zoom, Harrison, New York, at 7:00 p.m., on June 11, 2020 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were participating: William Harold, Paul Katz, Thomas Foristel, Steve Lowenthal, Michael Tiesi, Tom Hains 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:

- (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;

Z20-011
Miculey
7/9/2020

- (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:

- A) A deck had previously existed on the property prior to the applicant's purchase.
- B) The prior owners had removed it and built a smaller deck.
- C) The proposed deck will be in the same setback as the original deck but be minimally larger horizontally.
- D) The deck would not change the character of the neighborhood.
- E) There exists an abundance of screening in the rear yard.
- F) There were no objections from any other neighbors.
- G) There is a distinguishing difficulty because the lot is a corner lot.

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

Foregoing Resolution submitted by Zoning Board Member Ernie Fiore, seconded by Zoning Board Member Steven Lowenthal at the 7/9/2020 meeting.

ADOPTED:

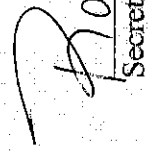
AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel,
Michael Tiesi and Thomas Haynes

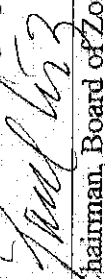
Z20-011
Miculey
7/9/2020

NAYS: None

ABSTAINED: None

ABSENT: William Harold


Rosemarie Cusumano
Secretary, Board of Zoning Appeals


Paul W. Z
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.

JOHN CLEARY
MANAGER

2020 JUL 13 P 12:42

RECEIVED

Z20-011
Micalley
7/9/2020

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

Calendar No. Z20-012

Date: July 9, 2020

Property Owner: Antonio & Philomena Corvino

Property Address: 527 Purchase Street

Block 545, Lot 17

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, Antonio & Philomena Corvino filed an application on May 18, 2020 for an area variance to legalize an existing roof over patio and outdoor kitchen. The property is located in an R-1 Zoning District and is legally non-conforming with regards to the lot area (.46 acre). Pursuant to §235-9B of the Table of Dimensional Regulations of the Code of the Town/Village of Harrison: The minimum rear yard setback in an R-1 Zone is 50 feet. *The existing roof over patio and outdoor kitchen constructed with a rear yard setback of 47 feet; thus requiring a variance of 3 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 June 11, 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 Thomas Haynes; 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;

*Z20-012
Corvino
7/9/2020*

- (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-1 Zoning District and is legally non-conforming with regards to the lot area .46 acres.
2. The existing roof over patio reduces the rear yard setback to 47 feet and was constructed between 2004 and 2007.
3. The Board has conditioned the roof over patio may never be enclosed
4. There were no objections from neighbors.
5. The request is a de minimis request at only 6%.

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 to legalize an existing roof over patio and outdoor kitchen, 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 Stephen Marchesani, AIA, A1, A2 dated March 26, 2020.

Z20-012
Corvino
7/9/2020

Foregoing Resolution submitted by Zoning Board Member Ernest Fiore, seconded by Zoning Board Member Thomas Foristel at the July 9, 2020 meeting.

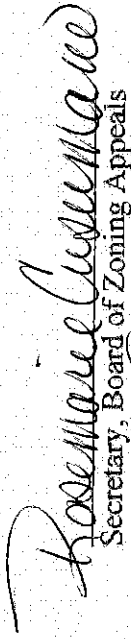
ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: William Harold


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
HARRISBORO, NJ

2020 JUL 13 P 12:42

RECEIVED

Z20-012
Corvino
7/9/2020