

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, October 8, 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>
Z20-019	Eugene Smoyver	732	42	Variance Granted
Z20-021	John & Anna Rosanelli	543	6	Heard – Closed – Findings being prepared
Z20-022	Stoneleigh Manor LLC	641	133	Heard – Closed – Findings being prepared

The next meeting was scheduled to November 12, 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

Town Clerk's Office

Rosemarie Cusumano
Rosemarie Cusumano, Secretary

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

TOWN CLERK
HARRISON, NY

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

Calendar No. Z20-019

Date: October 8, 2020

Property Owner: Eugene Smoyver

Property Address: 38 Locust Avenue

Block 732 Lot 42

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, Mark Mustacato Architect, filed an application on August 11, 2020 on behalf of Eugene Smoyver for a variance to construct a small one story addition in the rear at the above referenced property. This property is located in an R-75 Zoning District and is legally existing non-conforming with regards to the lot area (5000sf), the existing front yard setback is 18.8 feet; the existing side yard setback is 5.7 feet and the total side yard setback is 11.5 feet. Pursuant to the Code of the Town/Village of Harrison §235-9B of the Table of Dimensional Regulations the addition requires 2 variances. *1: The required minimum side yard setback is 10 feet; the proposed addition with a side yard setback is 5.7 feet; thus requiring a variance of 4.3 feet. 2: The required minimum total side yard setback is 20 feet; the proposed total side yard setback is 11.5 feet; thus requiring a variance of 8.5 feet; and*

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: Paul Katz, Ernest Fiore, Steve Lowenthal, Thomas Foristel, 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 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

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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. The property is located in an R-75 Zoning District and is legally existing and non-conforming with regards to lot area which 7,500 sf is required and exists with 5,000 sf. The front yard and side yard setbacks are also legally existing and non-conforming.
2. The addition is in the right rear corner of the house and will square off the rear of the house.
3. There were no objections from any other 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.

NOW THEREFORE BE IT RESOLVED, that the application for a variance to allow construction of a one story addition within the required side yard setback 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 by RMG Associates, A-1, A-2 dated June 10, 2020.

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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 Thomas Foristel at the October 8, 2020 meeting.

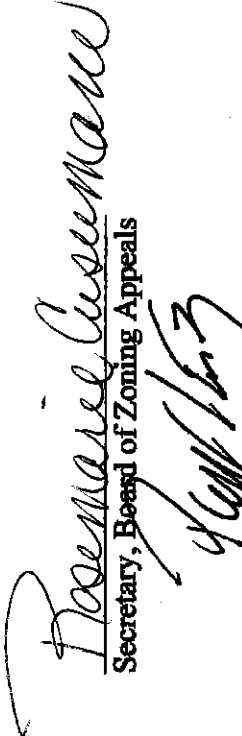
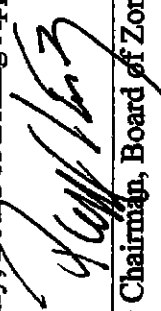
ADOPTED:

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

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.

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