

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, December 10, 2020 at 7:30 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
Michael Tiesi
Thomas Haynes

Members Absent

William Harold

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>
Z20-023	DeCicco & Sons	42	1&16	Variance Granted
Z20-024	Anthony Forte	472	27	Heard – Closed – Findings being prepared
Z20-025	Harold Eylward	581	6	Heard – Closed – Findings being prepared
Z20-026	172 Woodside Realty LLC	893	7.2	Variance Granted
Z20-027	172 Woodside Realty LLC	893	7.1	Variance Granted
Z20-028	Daniel Chestler	472	56	Variance Granted
Z20-029	Albert Riccobono	755	1	Heard – Closed – Findings being prepared
Z20-030	Trinity Presbyterian Church	643	7	Heard – Closed – Extension Granted
Z20-031	Rosemarie Cusumano	84	82	Heard – Closed – Findings being prepared

The next meeting was scheduled to January 14, 2021

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.

RECEIVED

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

Calendar No. Z20-023

Date: December 10, 2020

Property Owner: DeCicco & Sons

Property Address: 7 Halstead Avenue

Block 641, Lots 1 & 16

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, Lucio Di Leo, Architecture filed an application on August 31, 2020 on behalf of DeCicco & Sons for a variance for an addition to an existing supermarket. This property is located in an NB Zoning District and pursuant to §235-12(B) of the Table of Dimensional regulations for business districts of the Town/Village of Harrison zoning Ordinance. The minimum required side yard setback adjoining a residence district is 20 feet. The proposed addition side yard setback is shown to be reduced to 0 feet; *thus requiring a variance of 20 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 7:30 p.m., on November 12, 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, William Harold, Michael Tiesi and Tom 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

WHEREAS, the Board reviewed all testimony and documents submitted and have carefully considered:

Z20-023
DeCicco & Sons
12/10/2020

- (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. This application was a referral from the Planning Board with a positive recommendation as per PB2020/52 dated October 27, 2020.
2. The proposed addition is located in the existing loading and bottle return area.
3. The proposed addition is well below the street level on Halstead Avenue and will be the same height as the existing building.
4. The proposed addition will have a vegetated roof to lessen the impact of the neighbors in the Village of Mamaroneck which are at a higher elevation.
5. There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for permission to construct an addition to the existing building within the required side 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.

Z20-023
DeCicco & Sons
12/10/2020

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 Michael Tiesi, seconded by Zoning Board Member Ernest Fiore at the December 10, 2020 meeting.

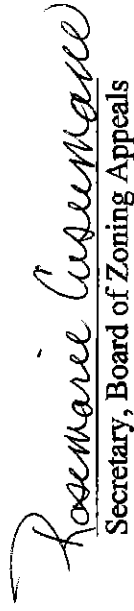
ADOPTED:

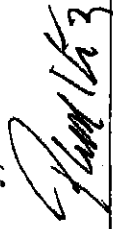
AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel,
Michael Tiesi and Thomas Haynes

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.

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Z20-023
DeCicco & Sons
17700/0700

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

Calendar No. Z20-026

Date: December 10, 2020

Property Owner: Woodside Realty LLC

Property Address: 170-172 Woodside Avenue

Block 893 Lot 7.2

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, Peter Albano filed an application on 10/19/2020 for a variance to legalize two existing 2nd story decks at the above referenced property. The property is located in a B Zoning District and pursuant to 235-9B of the Zoning Ordinance, a 25foot rear yard setback are required. The wood decks are shown to have a rear yard setback 22.65 ft. and 22.70 thus requiring a variance of 2.35 ft. and 2.3 ft

WHEREAS, a Public Hearing on this application was duly scheduled and held by the Board of Zoning Appeals, via Zoom at 7:30 p.m., on November 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 Haines, Michael Tiesi, Steve Lowenthal 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:

Z20-026
172 Woodside Realty LLC
December 10, 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) The decks were mistakenly constructed from a non-approved prior design plan and was detected upon a final survey.
- B) There are no residences beyond the rear yard border.
- C) The decks would not change the character of the neighborhood.
- D) There were no objections from any other neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for permission to legalize two decks 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 Ernest Fiore, seconded by Zoning Board Member Steven Lowenthal at the December 10, 2020 meeting.

ADOPTED:

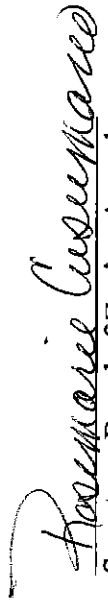
AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel,
Michael Tiesi and Thomas Haynes

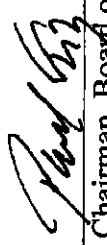
Z20-026
172 Woodside Realty LLC
December 10, 2020

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.

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Z20-026
172 Woodside Realty LLC
December 10 2020

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

Calendar No. Z20-027

Date: December 10, 2020

Property Owner: Woodside Realty LLC

Property Address: 174-176 Woodside Avenue

Block 893 Lot 7.1

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, Peter Albano filed an application on 10/19/2020 for a variance to legalize two existing 2nd story decks at the above referenced property. The property is located in a B Zoning District and pursuant to 235-9B of the Zoning Ordinance, a 25foot rear yard setback are required. The wood decks are shown to have a rear yard setback 22.74 ft. and 22.70 thus requiring a variance of 2.26 ft. and 2.3 ft

WHEREAS, a Public Hearing on this application was duly scheduled and held by the Board of Zoning Appeals, via Zoom at 7:30 p.m., on November 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 Haines, Michael Tiesi, Steve Lowenthal 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:

*Z20-027
Woodside Realty LLC
December 10, 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) The decks were mistakenly constructed from a non-approved prior design plan and was detected upon a final survey.
- B) There are no residences beyond the rear yard border.
- C) The decks would not change the character of the neighborhood.
- D) There were no objections from any other neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for permission to legalize two decks 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 Ernest Fiore, seconded by Zoning Board Member Steven Lowenthal at the December 10, 2020 meeting.

ADOPTED:

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

Z20-027
Woodside Realty LLC
December 10, 2020

NAYS: None

ABSTAINED: None

ABSENT: William Harold


Secretary, Board of Zoning Appeals


Acting Chairman, Board of Zoning Appeals

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Z20-027
Woodside Realty LLC
December 10, 2020

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

Calendar Z20-028

Date: December 10, 2020

Property Owner: Daniel Chestler

Property Address: 5 Justin Road

Block 472 Lot 56

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, the owner of 5 Justin Road, Daniel Chestler, filed an application on October 19, 2020 for a variance from the Zoning Ordinance to install a generator. This property is located in an R-1 Zoning District and pursuant to §235-9B Table of Dimension Regulations the side yard setback is 20 feet. The proposed generator encroaches into the side yard 19 feet; *thus requiring a 3 foot 6 inch 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 7:30 p.m., on November 12, 2020, Harrison, New York, after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present: Paul Katz, Ernest Fiore, Steven Lowenthal, William Harold, 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

WHEREAS, the Board reviewed all testimony and documents submitted and have carefully considered:

Z20-028
Chestler
12/10/2020

- (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) The proposed generator does not substantially encroach upon the setback located at the side of the premises.
- B) The proposed generator cannot be installed in an alternate location on the property as the utility lines are in the area of the proposed location.
- C) The installation does not change the character of the neighborhood.
- D) There were no objections from adjacent neighbors.
- E) Based on the owner manual, the unit is of a quiet operation level type and would minimize any noise disturbance.

NOW THEREFORE BE IT RESOLVED, that the application for permission to install a generator unit 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

Z20-028

Chestler

12/10/2020

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 Michael Tiesi at the December 10, 2020 meeting.

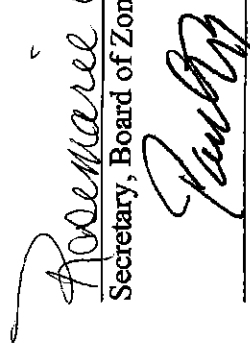
ADOPTED:

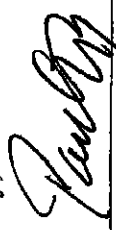
AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel,
Michael Tiesi and Thomas Haynes

NAYS: None

ABSTAINED:None

ABSENT: William Harold


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

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Z20-028
Chesler
12/10/2020