

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, January 14, 2021 at 7:30 p.m., Held via Video Conference using the Platform Zoom, Harrison, New York.

<u>Members Present</u>	<u>Members Absent</u>
<i>Paul Katz, Acting Chairman</i>	
<i>Ernest Fiore</i>	
<i>Steven Lowenthal</i>	
<i>Thomas Foristel</i>	
<i>William Harold</i>	
<i>Michael Tiesi</i>	
<i>Thomas Haynes</i>	

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>
Z20-024	Anthony Forte	472	27	Variance Denied
Z20-025	Harold Eylward	581	6	Variance Granted
Z20-029	Albert Riccobono	755	1	Variance Granted
Z20-031	Rosemarie Cusumano	84	82	Variance Granted
Z20-032	James Minnerly	21	20	Heard – Closed Findings being prepared
Z20-033	Maurizio & Jennifer Marcella	11	77	Heard – Closed – Findings being prepared
Z20-034	Eric & Beth Roth	441	5	Heard – Closed – Findings being prepared
Z20-035	Cosmo & Domenica Nero	854	8	Heard – Adjourned to the February Meeting

The next meeting was scheduled to February 11, 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.

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

Calendar No. Z20-024

Date: January 14, 2021

Property Owner: Anthony P Forte

Property Address: 711 West Street

Block 0472 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, Anthony Forte filed an application on October 9, 2020 for a variance to add a fence on top of a stone wall. The property is located in an R-1 Zoning District on a corner lot with two front yards (West St. & Union Ave.) and pursuant to 235-26 of the Zoning Ordinance: No wall or fence in a required front yard shall have a height greater than four feet. *The proposed fence on top of the stone wall has a total height of six feet thus requiring a two foot variance.*

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 December 10, 2020, Harrison, New York, 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 tape of the meeting: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel, 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:

Z20-024

Forte

1/14/21

- (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 property is located on the corner of a very busy intersection that includes West St, Union Ave. & Winfield Ave.
- B) There are no traffic lights, only stop signs at five locations.
- C) Due to the road conditions, good corner visibility is paramount.
- D) Adding a high fence to the property would compromise the visibility of vehicles negotiating the procedure of safely driving through this intersection.

NOW THEREFORE BE IT RESOLVED, that the application for permission to construct a fence on top of a wall as indicated in the plans submitted with this application be, and the same is hereby denied;

Foregoing Resolution submitted by Zoning Board Member Steven Lowenthal, seconded by Zoning Board Member Thomas Foristel at the January 14, 2021 meeting.

ADOPTED:

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

NAYS: None

ABSTAINED: None

Z20-024
Forte
1/14/21

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.

Z20-024
Forte
1/14/21

2021 JUN 19 A 9 03

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

Calendar Z20-025

Date: January 14, 2021

Property Owner: Howard Eylward

Property Address: 17 Kervan Road

Block 581 Lot 6

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 17 Kervan Road, Harold Eylward, filed an application on October 17, 2020 for a variance from the Zoning Ordinance to legalize an existing 6 foot fence along Polly Park Road. This property is located in an R-1 Zoning District. The property is located on the corner of Polly Park Road and Kervan Road, thus having two front yards. Pursuant to §235-26-C (1) of the Zoning Ordinance of the Town/Village of Harrison: No fence or wall in a required front yard shall have a height greater than 4 feet. The existing fence along Polly Park Road is 6 feet; *thus requiring a variance of 2 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 December 10, 2020, Harrison, New York, 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 tape of the meeting: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel, 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

Z20-025
Eylward
1/14/2021

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:

- A) The subject property considered to have two front yards. The home is located on Kervan Road and the side yard is located on Polly Park Road.
- B) The applicant purchased the home in June of 2018. The fence has been in the same location for more than 20 years.
- C) The existing fence does not change the character of the neighborhood since there are several other similar existing fences.
- D) There were no objections from adjacent neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for permission to legalize and existing 6 foot fence 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.

Z20-025

Eylward

1/14/2021

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 Paul Katz, seconded by Zoning Board Member William Harold at the January 14, 2021 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.

Z20-025
Eyward
1/14/2021

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

Calendar Z20-029

Date: January 14, 2021

Property Owner: Albert Riccobono

Property Address: 64 Macri Avenue

Block 755 Lot 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, the owner of 64 Macri Avenue, Albert Riccobono, filed an application on November 3, 2020 for a variance from the Zoning Ordinance to legalize an existing HVAC condenser. This property is located in an R-75 Zoning District with 2 front yards (Macri Ave and Farley Ave). the proposed location of the HVAC condenser unit does not comply with the minimum required setback as specified in the Code of the Town/Village of Harrison §235-9B the minimum required side yard setback abutting a side street on a corner lot is 15 feet. The proposed location of the HVAC condenser unit with a setback of 9 feet 9 inches; *thus requiring a variance of 5 feet 3 inches*; 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 December 10, 2020, Harrison, New York, 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 tape of the meeting: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel, 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

Z20-029
Riccobono
1/14/2021

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:

- A) The subject property considered to have two front yards. The home is located on Macri Avenue and the side yard is located on Farley Avenue.
- B) The existing condenser does not substantially encroach upon the setback located at the side of the premises.
- C) The existing condenser cannot be installed in an alternate location on the property as the utility lines are in the area of the proposed location.
- D) The condenser installation is more than adequately screened from Farley Avenue.
- E) The installation does not change the character of the neighborhood.
- F) There were no objections from adjacent neighbors.

NOW THEREFORE BE IT RESOLVED, that the application to legalize an existing HVAC condenser 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.

Z20-029

Riccobono

1/14/2021

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 William Harold at the January 14, 2021 meeting.

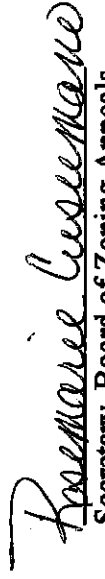
ADOPTED:

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.

Z20-029
Riccobono
1/14/2021

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

Calendar No. Z20-031

Date: January 14, 2021

Property Owner: Rosemarie Cusumano

Property Address: 82 Harrison Avenue
Harrison, New York 10528

Block 84

Lot 82

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, Rosemarie Cusumano filed an application on October 17, 2020 for area variances from the Zoning Ordinance. This property is located in a B Zoning District and pursuant to §235-4 of the Zoning Ordinance of the Town/Village of Harrison the definition of a two-family is a detached building containing two dwellings. As per §235-9(B) of the Table of Dimensional Regulations the minimum of one dwelling unit in a two family zone is 800 square feet with a total of 2,400 square feet and the minimum height for an accessory structure is 15 feet. This application requires 3 variances. (1) Variance is for a detached structure to be constructed to create a second dwelling unit. (2) The proposed detached unit of 760 square feet; thus requiring a variance of 40 square feet. (3) The proposed height of the accessory structure is 20.66 feet; thus requiring a variance of 5.66 feet; 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 7:30 p.m. on December 10, 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: Ernest Fiore, Paul Katz, Steven Lowenthal, Thomas Foristel, William Harold, Michael Tiesi and Thomas Haynes.

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:

Z20-031
Cusumano
1/14/2021

- (A) the benefits to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of 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 an area 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, Section 267-a and 267-b and Harrison Town Code Section 235-56, et seq., it has jurisdiction to consider the requested variances.

The Board found that:

1. The proposed detached garage and second story dwelling unit will be built in approximately the same location as an existing detached garage and will have no detrimental effect on neighboring properties.
2. There were no objections from neighbors.
3. No undesirable change in the character of the neighborhood or detriment to nearly properties will be created by the granting of the variances.

NOW THEREFORE BE IT RESOLVED that the application for (1) a variance for a detached structure to be constructed to create a second dwelling unit. (2) The proposed detached unit of 760 square feet; thus requiring a variance of 40 square feet. (3) The proposed height of the accessory structure is 20.66 feet; thus requiring a variance of 5.66 feet; be and the same is hereby granted subject to the following conditions:

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 plan.

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

Z20-031
Cusumano
1/14/2021

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 Haynes, seconded by Zoning Board Member William Harold at the meeting on January 14, 2018.

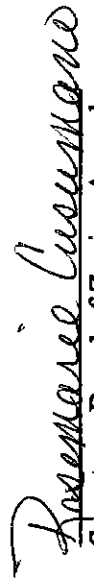
ADOPTED:

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.

Z20-031
Cusumano
1/14/2021