

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, February 11, 2021 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
William Harold
Michael Tiesi

Members Absent

Thomas Haynes

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>
Z20-032	James Minnerly	21	20	Variance Granted
Z20-033	Maurizio & Jennifer Marcella	11	77	Variance Granted
Z20-034	Eric & Beth Roth	441	5	Variance Granted
Z20-035	Cosmo & Domenica Nero	854	8	Heard – Closed – Findings being prepared
Z21-001	John Iannaco	403	43	Heard – Closed – Findings being prepared
Z21-002	Sean Meegan	253	10	Heard – Closed – Findings being prepared
Z21-003	Lelia Wood-Smith	601	57	Heard – Extension Granted

The next meeting was scheduled to March 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 Kheer
Town Clerk's Office

Rosemarie Cusumano
Rosemarie Cusumano, Secretary

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

642 P 249 2021 FEB 16

RECEIVED

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

Calendar No. Z20-033

Date: February 11, 2021

Property Owner: Maurizio & Jennifer Marcella

Property Address: 7 Harris Lane

Block 11 Lot 77

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 filed an application on behalf of Maurizio & Jennifer Marcella on December 15, 2021 for a variance to legalize an existing deck at the above referenced property. This property is located in an R-75 Zoning District and pursuant to §235-9B Table of Dimensional Regulations of the Town/Village of Harrison the rear yard setback is 25 feet. The existing deck reduces the rear yard setback to 17 feet 2 inches; *thus requiring a 7 foot 10 inch variance*; and

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 January 14, 2021 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, Thomas Foristel, William Harold, Michael Tiesi 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:

Z20-033

Marcella

February 11, 2021

- (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 legally non-conforming with regards to lot width, lot area, front and side yard setbacks and is a legal two-family home.
2. The property was purchase in 1993 and the deck was existing at that time of purchase.
3. The applicant is proposing to replace the deck, maintaining the existing dimensions. The property slopes from front to back and the deck provides an outdoor area at the first floor level.
4. The deck would not change the character of the neighborhood.
5. There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for permission to legalize the 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.

Z20-033
Marcella
February 11, 2021

Foregoing Resolution submitted by Zoning Board Member Ernest Fiore, seconded by Zoning Board Member Thomas Foristel at the February 11, 2021 meeting.

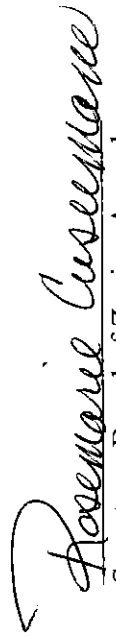
ADOPTED:

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

NAYS: Paul Katz and William Harold

ABSTAINED: None

ABSENT: Thomas Haynes


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.

Z20-033
Marcella
February 11, 2021

RECEIVED
FEB 16 2 49 PM
2021

PROCESSED

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

Calendar No. Z20-032

Date: February 11, 2021

Property Owner: James Minnerly

Property Address: 7 Beaver Landing

Block 21 Lot 20

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, James Minnerly filed an application on December 1, 2021 for a variance to legalize an existing deck at the above referenced property. This property is located in an R-75 Zoning District and pursuant to the Code of the Town/Village of Harrison §235-9B the Table of Dimensional Regulations the minimum required rear yard setback is 25 feet. The existing deck has been constructed with a rear yard setback of 17 feet 3 inches; *thus requiring a variance of 7 feet 9 inches*; and

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 January 14, 2021 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, Thomas Foristel, William Harold, Michael Tiesi 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:

Z20-032
Minnerly
February 11, 2021

- (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 existing deck was built six years ago.
2. The deck would not change the character of the neighborhood.
3. The rear yard neighbor at 142 Oakland Avenue did not object to the granting of the variance but did express an opposition to the expansion of the existing deck.
4. The existing deck shall not be expanded in any way.

NOW THEREFORE BE IT RESOLVED, that the application for permission to legalize the existing 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 Thomas Foristel, seconded by Zoning Board Member Ernest Fiore at the February 11, 2021 meeting.

Z20-032
Minnerly
February 11, 2021

ADOPTED:

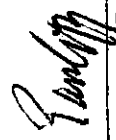
AYES: Ernest Fiore, Steven Lowenthal, Thomas Foristel and Michael Tiesi

NAYS: Paul Katz and William Harold

ABSTAINED: None

ABSENT: Thomas Haynes


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.

RECEIVED
2021 FEB 16 P 2:48
TOWN OF GAITHERSBURG

Z20-032
Minnerly
February 11, 2021

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

Calendar Z20-034

Date: February 11, 2021

Property Owner: Eric & Beth Roth

Property Address: 84 Woodlands Road

Block 441 Lot 5

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 84 Woodlands Road, Eric & Beth Roth, filed an application on December 16, 2020 for a variance from the Zoning Ordinance to install a generator. This property is located in an R-1 Zoning District. The property is a corner lot with two front yards (Woodlands Road and Genesee Trail) Pursuant to §235-9B Table of Dimensional Regulations of the Town/Village of Harrison the required front yard is 40 feet. The generator reduces the front yard setback to 31 feet 10 inches; *thus requiring a 8 foot 2 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 January 14, 2021, 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, 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:

Z20-034

Roth

2/11/2021

- (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 a corner lot with two front yards Woodlands Road and Genesee Trail.
- B) The proposed generator location is near existing AC units and has existing screening from Woodlands Road.
- C) 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.
- D) The installation does not change the character of the neighborhood.
- E) There were no objections from adjacent neighbors.
- F) 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.

Z20-034

Roth

2/11/2021

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 Thomas Foristel at the February 11, 2021 meeting.

ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: Steven Lowenthal and Thomas Haynes


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.

RECEIVED
BUILDING DEPARTMENT
FEB 16 2021

8h 2d 91 FEB 16 2021

RECEIVED

Z20-034
Roth
2/11/2021