

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, July 8, 2021 at 7:30 p.m., in the Court Room of the Municipal Building, 1 Heineman Place, 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 7:30 p.m.

<u>Cal. #</u>	<u>Applicant</u>	<u>Block</u>	<u>Lot</u>	<u>Decision</u>
Z21-014	Scott Henriquez	302	121	Withdrawn without prejudice
Z21-016	Andrew Erbeling	283	30	Variance Granted
Z21-017	St. Joseph's Hospital	521	26	Variance Granted
Z21-018	Amann & Genovese	313	5	Heard – Closed – findings being prepared
Z21-019	Anthony Celentano	722	24	Heard – Closed – findings being prepared
Z21-021	Joanne Cottini	725	4	Heard – Closed – findings being prepared
Z21-022	Mt. Pleasant Avenue Associates LLC	171	37	Heard – Closed – findings being prepared
Z21-023	Kirke Marsh	1001	109	Heard – Closed – findings being prepared
Z21-024	Dunkin Restaurant	122	46	Heard – Closed – findings being prepared
Z21-025	Nuno Brito	21	53	Heard – Adjourned to September
Z21-026	Joseph & Alice Torre	508	55	Heard – Closed – Extension granted

The next meeting was scheduled to August 12, 2021

There being no further business to come before the Board, on a Motion duly made and seconded, the meeting was declared adjourned.

Karla Guss
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. Z21-017

Date: July 8, 2021

Property Owner: St Joseph's Hospital

Property Address: 275 North Street

Block 521 Lot 26

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, Steven Wrabel, Attorney filed an application on May 17, 2021 on behalf of St. Joseph's Hospital for an area variance from the Zoning Ordinance to construct an addition to the Hanin House. This property is located in an R-1 Zoning District. The property is existing non-conforming with regard to its use as a hospital. Pursuant to §235-17E-2 Titled Special conditions and safeguards for specific uses of the Zoning Ordinance of the Town/Village of Harrison the minimum required setback is 100 feet. The existing portion of the Hanin House encroaches into the required side yard setback. The proposed addition to the Hanin House will increase the existing non-conformity; *thus requiring a 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 June 10, 2021 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present at the meeting or indicated that they had listened to tapes 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. 888-0101 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

Z21-017

St. Joseph's Hospital

7/8/2021

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 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. A portion of the existing Hanin House encroaches into the required side yard setback. The Hanin House is one of the oldest buildings on the property and has served as a residence since 1901.
2. The proposed addition is approximately 1,600 square feet and will provide for ADA accessibility via an entrance ramp. The exterior parking lot will be renovated and expanded to add 4 new parking spaces to improve circulation and ADA compliance.
3. There were no objections from neighbors.
4. No undesirable change in the character of the neighborhood or detriment to nearby properties will be created by the granting of the variances.

NOW THEREFORE BE IT RESOLVED that the application to construct a new front entry addition, 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 submitted by Langan Engineering, CS001, CD101, CS101, CS102,

Z21-017
St. Joseph's Hospital
7/8/2021

CP100, CG101, CE101, CS501 and CS502, dated April 6, 2021. Arinelli Architects, TF02.2 dated April 5, 2021.

Foregoing Resolution submitted by Zoning Board Member Ernest Fiore, seconded by Zoning Board Member Thomas Foristel, at the meeting on July 8, 2021.

ADOPTED:

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

NAYS: None

ABSTAINED:None

ABSENT: Thomas Haynes


Rosemarie Cusumano
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
JUL 12 2021

JUL 12 A 15

RECEIVED

Z21-017
St. Joseph's Hospital
7/8/2021

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

Calendar No. Z21-016

Date: July 8, 2021

Property Owner: Andrew Erbelding

Property Address: 2 Lockwood Place

Block 283

Lot 30

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, Andrew Erbelding, filed an application on May 13, 2021 for an area variance from the Zoning Ordinance to construct a retaining wall. This property is located in an R-75 Zoning District. The minimum required front yard setback is 30 feet. As per the Code of the Town/Village of Harrison §235-18B (3): Accessory off-street parking spaces, other than those which might be incidentally available within the actual driveway area, shall not be located within any front yard or required side yard or within 10 feet from any property line in a required rear yard. The proposed retaining wall application indicates a parking area, approximately 20 feet x 25 feet in the required front yard; ***thus requiring a 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 June 10, 2021 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present at the meeting or indicated that they had listened to tapes 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. 888-0101 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

*Z21-016
Erbelding
7/8/2021*

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 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 new retaining will create a parking area approximately 20 feet x 25 feet in the required front yard.
- 2. The proposed retaining will have a height of 2 feet 5 inches at its highest point to 3 inches at its lowest point. The retaining wall will be screened by seven 3' – 4' arborvitae.
- 3. There were no objections from neighbors.
- 4. 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 to construct a new front entry addition, 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.

Z21-016
Erbelding
7/8/2021

Foregoing Resolution submitted by Zoning Board Member Ernest Fiore, seconded by Zoning Board Member Steven Lowenthal, at the meeting on July 8, 2021.

ADOPTED:

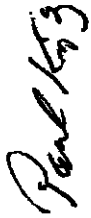
AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel,
William Harold and Michael Tiesi

NAYS: None

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.

Z21-016
Ex-belding
7/8/2021

2021 JUL 12 AM 11:51

0000000000