

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, September 9, 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>
Z21-025	Nuno Brito	21	53	Variance Granted
Z21-027	Paul & Julie Furia	402	60.1	Variance Granted
Z21-028	John Yiannoullou	507	18	Variance Granted
Z21-030	Asuncion Hostin	671	1.1	Variance Granted
Z21-018	Amann & Genovese	313	5	Closed

The next meeting was scheduled to October 14, 2021

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

Kathy Good
Town Clerk's Office

Rosemarie Cusumano
Rosemarie Cusumano, Secretary

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

SEP 10 2 12 PM '21

SEP 10 2021

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

Calendar No. Z21-025

Date: September 9, 2021

Property Owner: Nuno Brito

Property Address: 155 Harrison Avenue

Block 21 Lot 53

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, Nuno Brito, owner filed an application on June 17, 2021 for a variance from the Zoning Ordinance for a parking area and a fence on a property located at 155 Harrison Avenue. This property is located in an R-75 Zoning District and is legally existing non-conforming with regards to lot area 5,138 square feet, the front yard setback 20.8 feet and the side yard setback 9 feet. Pursuant to the Code of the Town/Village of Harrison §235-18 B(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 off-street parking area approximately 27 feet x 20 feet in the required front yard and with a side yard setback of 5 feet; *thus requiring a variance.* §235-26 C(1) No fence or wall in a required front yard shall have a height greater than 4 feet. The proposed fence/wall with a height of 6 feet in the required front yard, *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, at the Municipal Building, 1 Heineman Place, Harrison, New York, at 7:30 p.m., on July 8, 2021 and August 31, 2021 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 tapes of the meeting: Paul Katz, Ernest Fiore, Steve Lowenthal, Tom Foristel, Billy Harold and Michael Tiesi; 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

Z21-025
Brito
9/9/2021

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:

- (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 involves a request to widen a parking area within the required front yard. The house located on Harrison Avenue which does not allow parking on either side of the street.
2. Applicant has submitted visual evidence indicating that the extended driveway is sufficient to accommodate two parked cars.
3. We have in the past in unique circumstances granted variances for driveways located in a required front yard in West Harrison. As set forth below, we find that the current variance provides such a unique circumstance.
4. Applicant's property is not the only property with parking in the required front yard in the immediate neighborhood. We do not in any event view this as creating a precedent for the granting of variances for driveways in required yards.
5. Two neighbor did send in letters in favor of the application.

Z21-025
Brito
9/9/2021

NOW THEREFORE BE IT RESOLVED, that the application for variance to widen the parking area as indicated in the plans submitted with this application be, and the same are hereby granted.

NOW THEREFORE BE IT RESOLVED, that the application for variance to install a 6 foot fence as indicated in the plans submitted with this application be, and the same are hereby denied.

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 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 Thomas Foristel at the September 9, 2021 meeting.

ADOPTED:

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

NAYS: None

ABSTAINED:None

ABSENT: Thomas Haynes

Z21-025
Brito
9/9/2021

Joan Marie Lucemano
Secretary, Board of Zoning Appeals

Paul King

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
SEP 10 2 13

SEP 10 2 13

RECEIVED

Z21-025

Brito

9/9/2021

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

Calendar No. Z21-027

Date: September 9, 2021

Property Owner: Paul & Julie Furia

Property Address: 10 Hyatt Avenue

Block 402, Lot 60.1

WHEREAS, an application was filed for a building permit with respect to a proposed addition to be constructed on the property 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, Paul and Julie Furia filed an application on June 29, 2021 for an area variance to construct a deck. This property is located in an R-75 Zoning District and pursuant to the Code of the Town/Village of Harrison §235-9 B of the Table of Dimensional Regulations the proposed deck will require 2 variances: 1) The proposed deck with a rear yard setback of 12 feet. The minimum required rear yard setback is 25 feet; ***thus requiring a variance of 13 feet.*** 2) The proposed deck with a side yard setback of 5 feet. The minimum required side yard setback is 10 feet; ***thus requiring a variance of 5 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 July 8, 2021 and August 31, 2021 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 tapes of the meeting: Paul Katz, Ernest Fiore, Steve Lowenthal, Tom Foristel, Billy Harold and Michael Tiesi; 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, 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:

- (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;

Z21-027

Furia

9/9/2021

- (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. Applicant's property is located in the R-75 Zoning District and is considered to have two front yards.
2. The Applicant is not proposing a typical deck. The proposed deck is very low to the ground and will not be visible from any neighbors because of the existing screening.
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.

Based on the foregoing and a balancing of the factors we are required to consider, we believe that it is appropriate to grant the requested variances.

NOW THEREFORE BE IT RESOLVED that the application to construct a deck, 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 by John Annunziata, Engineer, Deck Plan dated May 15, 2021.

Foregoing Resolution submitted by Zoning Board Member Ernest Fiore, seconded by Zoning Board Member Michael Tiesi at the September 9, 2021 meeting.

Z21-027
Furia
9/9/2021

ADOPTED:

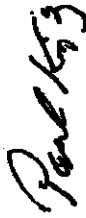
AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel,
William Harold and Michael Tiesi

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.

2021 SEP 10 P 2 12
BUILDING DEPT

Z21-027
Furia
9/9/2021

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

Calendar No. Z21-028

Date: September 9, 2021

Property Owner: John Yiannoullou

Property Address: 59 Woodlands Road

Block 507 Lot 18

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, Max Mosello with Shoreline Pools, filed an application on behalf of John Yiannoullou on July 16, 2021 for a variance from the Zoning Ordinance to construct a in ground swimming pool located at 59 Woodlands Road. This property is located in an R-1 Zoning District with two front yards. Pursuant to the Code of the Town/Village of Harrison §235-28 the application for a pool requires a variance. The minimum required front yard setback is 75 feet. The proposed pool indicates a front yard setback of 53.24 feet; ***thus requiring a variance of 21.76 feet***; and

WHEREAS, a Public Hearing on this application was duly scheduled and held by the Board of Zoning Appeals, via Zoom and at the Municipal Building, 1 Heineman Place, Harrison, New York, at 7:30 p.m., on August 31, 2021 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 tapes of the meeting: Paul Katz, Ernest Fiore, Steve Lowenthal, Thomas Foristel, William Harrold, Michael Tiesi; 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:

Z21-028
Yiannoullou
9/9/2021

- (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) There would be no apparent detriment to the surrounding properties or the neighborhood.
- B) The character of the neighborhood would not change.
- C) There were no objections from any of the neighbors.
- D) The applicant submitted a planting plan prepared by Shoreline Pools dated September 7, 2021 showing 7 - 10 foot thuja plicata "Green Giant" evergreen trees.
- E) The lot is considered to have two front yards which has different setbacks than an interior lot.

NOW THEREFORE BE IT RESOLVED, that the application for permission to construct a swimming pool 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

Z21-028
Yiannoullou
9/9/2021

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 Steven Lowenthal at the September 9, 2021 meeting.

ADOPTED:

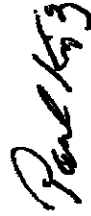
AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel,
William Harold and Michael Tiesi

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.



SEP 17 2021 01:07 PM



Z21-028
Yiannoullou
9/9/2021

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

Calendar No. Z21-030

Date: September 9, 2021

Property Owner: Asuncion Hostin

Property Address: 3801 Purchase Street

Block 671 Lot 1.1

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, Ed Parker, filed an application on behalf of Asuncion Hostin on July 27, 2021 for a variance from the Zoning Ordinance to construct a in ground swimming pool located at 3801 Purchase Street. This property is located in an R-2 Zoning District. It is legally existing and non-conforming with regards to the front yard setback (64.4 feet) the side yard setback (34.5 feet) and the rear yard setback (16.1 feet). As per the Code of the Town/Village of Harrison §235-28 A. The minimum required rear yard setback is 20 feet the proposed pool with a rear yard setback of 10 feet; *thus requiring a variance of 10 feet*; and

WHEREAS, a Public Hearing on this application was duly scheduled and held by the Board of Zoning Appeals, via Zoom and at the Municipal Building, 1 Heineman Place, Harrison, New York, at 7:30 p.m., on August 31, 2021 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 tapes of the meeting: Paul Katz, Ernest Fiore, Steve Lowenthal, Thomas Foristel, William Harrold and Michael Tiesi; 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:

Z21-030

Hostin

9/9/2021

- (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) There would be no apparent detriment to the surrounding properties or the neighborhood.
- B) The character of the neighborhood would not change.
- C) There were no objections from any of the neighbors.
- D) The location of the pool is heavily screened and will not be visible from any other property.
- E) The lot abuts open space in the rear and right side of the property which is owned by Purchase Estates Homeowners Associates.

NOW THEREFORE BE IT RESOLVED, that the application for permission to construct a swimming pool 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

Z21-030

Hostin

9/9/2021

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 Thomas Foristel, seconded by Zoning Board Member Ernest Fiore at the September 9, 2021 meeting.

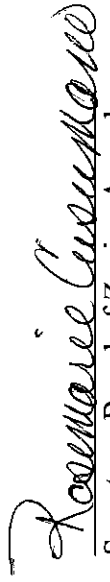
ADOPTED:

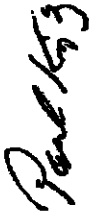
AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel,
William Harold and Michael Tiesi

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.

Z21-030
Hostin
9/9/2021

SEP 10 01:43 PM

RECEIVED