

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, November 11, 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
Thomas Haynes

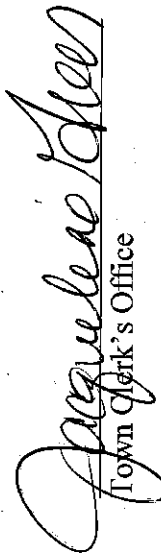
Members Absent

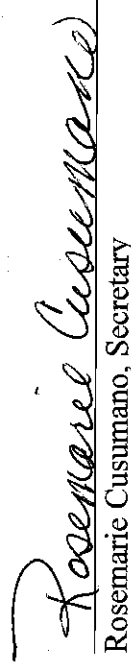
The Chairman called the meeting to order at 7:30 p.m.

<u>Cal. #</u>	<u>Applicant</u>	<u>Block</u>	<u>Lot</u>	<u>Decision</u>
Z21-029	5 Sarosca Holdings LLC	951	96	Variance Granted
Z21-031	Sapna Arvind	201	30	Variance Granted
Z21-033	Gloria Fernau & Allison Ganassi	691	117	Variance Granted
Z21-034	Leslie Simon	543	4	Variance Granted
Z21-035	Paul O'Reilly	471	5	Variance Granted
Z21-036	Frank & Angela Luongo	755	19	Variance Granted
Z21-031	Sapna Arvind	201	30	Not Heard – Adjourned to the December Meeting
Z21-037	33 Calvert Properties LLC	121	22&29	Heard – Extension Granted
Z21-038	Chintan Shah	511	3	Heard – Closed – Findings being prepared
Z21-039	Karen Siegan	641	103	Not Heard

The next meeting was scheduled to December 9, 2021

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


Town Clerk's Office


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. Z21-029

Date: November 11, 2021

Property Owner: 5 Sarosca Holdings LLC

Property Address: 5 Sarosca Farm Lane

Block 951 Lot 96

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, Robert Schweitzer, filed an application on July 19, 2021 on behalf of 5 Sarosca Holdings LLC for a variance to construct a padel court enclosure at the above referenced property. This property is located in an R-2 Zoning District and pursuant to §235-26-C-9 of the Zoning Ordinance of the Town/Village of Harrison. Outdoor tennis courts, paddle courts, basketball courts and other similar courts which are located in conformance with §235-9B and §235-18B(2) may be fenced to a height not to exceed 10 feet above the average grade only if: (a) The fence is an open mesh type (chain link). (b) Screened from the view of the street and abutting residentially owned properties. Such screening shall be a landscape strip planted with evergreens, with an actual height of at least 6 feet above the natural grade when installed. (c) Fence enclosures may be equipped with the customary attached windbreaks. The proposed type enclosure for the paddle court does not conform to the exception for the fence height of a sports court; the maximum allowable height would be 6 feet 6 inches. The overall height of the Plexiglass and chain-link combination enclosure is approximately 13.12 feet; thus requiring a variance of 6.62 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 and October 14, 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

Z21-029

5 Sarosca Holdings LLC

11/11/2021

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:

- (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 in an R-2 Zoning District and is an oversized lot with 7.28 acres.
- B) The proposed location of the padel court is approximately 400 feet from the nearest property. The entire property line and is heavily screened with mature landscaping and additional 34 Green Giant Arborvitae to be planted along property line.
- C) The variance being sought by the applicant is for the plexiglass material being used.
- D) The court does meet all required setbacks and padel is a different net sport new to the United States, currently played only in Spain and Argentina. With possibility being the first court in the United States. Required is a presentation of a game in action including sound since the plans call for a solid plexiglass wall system against which a ball may be hit resulting in untenable sound. The town does have sound ordinances but not arising from this kind of sport.

Z21-029
5 Sarosca Holdings LLC
11/11/2021

- E) The Landscape Architect submitted a letter dated September 20, 2021 addressing the possible sound impacts and lighting impacts to the neighboring properties that could arise during gaming.
- F) The neighbor of 1 Sarosca Farm Lane submitted a letter in favor of the application.

NOW THEREFORE BE IT RESOLVED, that the application for to construct a padel court enclosure 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 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 November 11, 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

Z21-029
5 Sarosca Holdings LLC
11/11/2021

Rosemarie Cummano
Secretary, Board of Zoning Appeals

Paul King

Acting Chairman, Board of Zoning Appeals

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Z21-029
5 Sarosca Holdings LLC
11/11/2021

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

Calendar No. Z21-033

Date: November 11, 2021

Property Owner: Gloria Fernau and Alison Ganassi

Property Address: 36 High Street

Block 691 Lot 117

WHEREAS, the applicant, the property owner, filed plans for a proposed in-ground pool 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, Stephen Marchesani filed an application on September 2, 2021 on behalf of Gloria Fernau and Alison Ganassi for a variance from the Zoning Ordinance to construct a swimming pool located at 36 High Street. This property is located in an R-75 Zoning District and is a corner lot. Pursuant to §235-9B of the Table of Dimensional Regulation of the Town/Village of Harrison Accessory Structures located on front yards must be 60 feet from the front property line. The proposed swimming pool reduces the front yard setback to 50 feet; thus requiring a 10 foot variance; 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 October 14, 2021 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: Paul Katz, Ernest Fiore, Steve Lowenthal, Thomas Foristel, William Harrold, 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:

*Z21-033
Fernau & Ganassi
11/11/2021*

- (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) 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 SMM Architect PLLC dated October 19, 2021 showing 5 7-8 foot arborvitae.
- 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 front yard variance and a setback variance from the property line along High Street, to allow construction of a swimming pool as indicated in the plans submitted with this application be, and the same is hereby granted, subject to the following:

These variances are specifically conditioned on implementation, and continued maintenance of the screening plan provided in the plans, dated October 19, 2021, prepared by SMM Architect PLLC. that were filed with this application.

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.

Z21-033
Fernau & Ganassi
11/11/2021

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 Steven Lowenthal at the November 11, 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

Rosemarie CesuManno
Secretary, Board of Zoning Appeals

Paul Katz

Acting Chairman, Board of Zoning Appeals

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CLERK OF BOARD OF ZONING APPEALS

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Z21-033
Fernau & Ganassi
11/11/2021

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

Calendar No. Z21-034

Date: November 11, 2021

Property Owner: Leslie Simon

Property Address: 2 Belmont Avenue

Block 543

Lot 4

WHEREAS, the applicant, the property owner, filed plans to replace an existing fence 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 the Code's requirements; and

WHEREAS, Leslie Simon, filed an application on September 16, 2021 for an area variance from the Zoning Ordinance to replace an existing fence along Polly Park Road. This property is located in an R-1 Zoning District and on a corner lot with 2 front yards (Belmont Ave & Polly Park Rd). Pursuant to the Code of the Town/Village of Harrison §235-26 C (1) No fence or wall in a required front yard shall have a height greater than 4 feet. The proposed 6 foot fence in the front yard adjacent to Polly Park Road; 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 October 14, 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, 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, as well as the neighbor of 91 Park Drive North, 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

Z21-034
Simon
11/11/2021

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 subject property considered to have two front yards. The home is located on Belmont Avenue and Polly Park Road.
2. The wood fence that is the subject of this application is along Polly Park Road. It is installed the same elevation as the stone wall; and has been in the same location for approximately 31 years.
3. There was one neighbor who appeared in favor of the application.

NOW THEREFORE BE IT RESOLVED, that the application for a variance to replace an existing 6 foot height fence along Polly Park Road be, and hereby is 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 plans.

Foregoing Resolution submitted by Zoning Board Member Thomas Haynes, seconded by Zoning Board Member Thomas Foristel, at the meeting on November 11, 2021.

ADOPTED:

Z21-034
Simon
11/11/2021

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

NAYS: None

ABSTAINED: None

ABSENT: None

Rosemarie Cuamano
Secretary, Board of Zoning Appeals

Paul Katz

Acting Chairman, Board of Zoning Appeals

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BUILDING DEPT
APPROVALS

Z21-034
Simon
11/11/2021

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

Calendar No. Z21-035

Date: November 11, 2021

Property Owner: Paul O'Reilly

Property Address: 535 Woodlands Road

Block 471 Lot 5

WHEREAS, the applicant, the property owner, filed plans to legalize an existing fence 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 the Code's requirements; and

WHEREAS, Paul O'Reilly, filed an application on September 16, 2021 for an area variance from the Zoning Ordinance to legalize an existing fence along Polly Park Road. This property is located in an R-1 Zoning District and on a corner lot with 2 front yards (Woodlands Rd & Pleasant Ridge Rd). Pursuant to the Code of the Town/Village of Harrison §235-26 C (1) No fence or wall in a required front yard shall have a height greater than 4 feet. A 6 foot high wood fence has been installed in the front yard adjacent to Pleasant Ridge Road; 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 October 14, 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, 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

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

Z21-035
O'Reilly
11/11/2021

- (A) the benefits to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of 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 subject property considered to have two front yards. The home is located on Woodlands Road and Polly Park Road.
2. The fence that is the subject of this application is along Polly Park Road. It is installed behind a stone wall and replaced an existing wood fence; and has been in the same location for approximately 30 years.
3. There were no objections from any of the neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for a variance to legalize an existing 6 foot height fence along Polly Park Road be, and hereby is 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 plans.

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

ADOPTED:

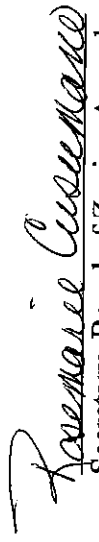
AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel,
William Harold, Michael Tiesi and Thomas Haynes

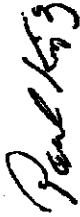
Z21-035
O'Reilly
11/11/2021

NAYS: None

ABSTAINED: None

ABSENT: None


Secretary, Board of Zoning Appeals



Acting Chairman, Board of Zoning Appeals

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Z21-035
O'Reilly
11/11/2021

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

Calendar No.Z21-036

Date: November 11, 2021

Property Owner: Frank & Angela Luongo

Property Address: 104 Macri Ave.

Block 755 Lot 19

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, Rocco DiLeo, on behalf of the owners, Frank & Angela Luongo, filed an application on September 17, 2021 for a variance. The property is located in an R-75 Zoning district. The property is legally existing non-conforming with regard to the front yard setback (28.3 ft) and the side yard setback (7.6 ft). Pursuant to the Code of the Town/Village of Harrison 235-9B of the Table of Dimensional Regulations: The minimum required side yard setback is 10 ft. The proposed addition to the existing garage shows a side yard setback of 7.6 ft; thus requiring a variance of 2.4 ft.

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 October 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 and Thomas Haynes.

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:

Z21-036
Luongo
11/11/2021

- (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 addition would have a minimal impact on the existing structure.
- B) There would be no change to the neighborhood.
- C) There would be no apparent detriment to the surrounding properties.
- D) There were no objections from the owners of adjacent properties.

NOW THEREFORE BE IT RESOLVED, that the application for permission to grant the variance as indicated in the plans submitted with this application with the provision of no future construction, 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 the terms of this condition. Construction shall be deemed to have been completed when the Building Department has issued a Certificate of Occupancy.

Z21-036
Luongo
11/11/2021

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 Ernest Fiore at the 11/11/2021 meeting.

ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: None

Thomas Foristel
Secretary, Board of Zoning Appeals

Paul Katz

Acting Chairman, Board of Zoning Appeals

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Z21-036
Luongo
11/11/2021