

## ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, March 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*  
*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>                          |
|---------------|---------------------------------|--------------|------------|------------------------------------------|
| Z20-035       | Cosmo & Domenica Nero           | 854          | 8          | Variance Granted                         |
| Z21-001       | John Iannaco                    | 403          | 43         | Variance Granted                         |
| Z21-002       | Sean Meegan                     | 253          | 10         | Variance Granted                         |
| Z21-004       | Harrison Real Estate Group, LLC | 131          | 17         | Heard – Adjourned to April               |
| Z21-005       | Angelo Meimeteas                | 512          | 6          | Heard – Closed – Findings being prepared |
| Z21-006       | Purchase Realty Group LLC       | 961          | 23         | Heard – Adjourned to April               |

The next meeting was scheduled to April 8, 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.

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

Calendar No. Z20-035

Date: March 11, 2021

Property Owner: Cosmo Nero

Property Address: 86 Woodside Avenue  
West Harrison, New York 10604

Block 854 Lot 8

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, John Scarlato, Architect filed an application on behalf of Nero & Domenica Cosmo on December 17, 2020 for area variances from the Zoning Ordinance. This property is located in a B Zoning District. The house is currently used as a Single-Family Dwelling and pursuant to the Code of the Town/Village of Harrison §235-9B the Table of Dimensional Regulations the minimum habitable floor area for a single dwelling unit is 800 square feet. The total habitable floor area of the existing Dwelling Unit is 2,940 square feet. The proposed Basement Dwelling Unit with a habitable floor area of 778 square feet; *thus requiring a variance of 22 square 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 February 11, 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, 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:

- (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;

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Nero

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- (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 basement dwelling unit with a habitable floor area of 778 square feet where 800 square feet is required and will have no detrimental effect on neighboring properties.
2. The proposed variance of 22 square feet represents only 2.75% of the required habitable floor area requirement of 800 square feet as per section 235-9B of the Harrison Town/Village Code, Table of Dimensional Regulations, and is therefore de minimis.
3. The basement is already finished space; being used as recreational space, office space and storage so the layout was already existing; a small change to the foot print is required and the storage space will be converted to a kitchen.
4. There were no objections from neighbors.
5. 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 for a proposed Basement Dwelling Unit with a habitable floor area of 778 square feet; thus requiring a variance of 22 square 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.

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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 Ernest Fiore at the meeting on March 11, 2021.

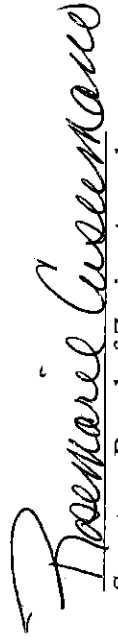
**ADOPTED:**

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.

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Nero

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

Calendar No. Z21-001

Date: March 11, 2021

Property Owner: John Iannaco

Property Address: 12 Coakley Avenue

Block 403, Lot 43

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, John Iannaco filed an application on January 5, 2021 for an area variance to construct a deck and pergola. This property is located in an R-75 Zoning District. The property is legally existing non-conforming with regards to the lot area (6056 sq. ft.) and the side yard setback (8.7 feet). Pursuant to the Code of the Town/Village of Harrison the Deck and Pergola require 2 variances: **1.** The minimum required rear yard setback is 25 feet. The proposed Deck/Pergola shows a rear yard setback of 12 feet 1 inch; thus requiring a variance of 12 feet 11 inches. **2.** The minimum required side yard setback is 10 feet. The proposed Deck/Pergola shows a side yard setback of 1 foot 2 inches; thus requiring a variance of 8 feet 10 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 7:00 p.m., on February 11, 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 and 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, 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;

*Z21-001  
Iannaco  
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- (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 legally existing non-conforming with regards to the lot area 6050 square feet and side yard setback 8.7 feet.
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. The proposed pergola is very open and will not have a negative impact on the neighbors.
3. The Board received several letters from the most affected neighbors in favor of the application.

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 legalize an existing roof over patio and outdoor kitchen, 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 by Frank P. Villano, Engineer, A-001.00, A-002.00, A-003.00 dated November 29, 2020 and submitted plan by Yardzen, Layout Plan dated October 21, 2020.

Z21-001  
Iannaco  
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Foregoing Resolution submitted by Zoning Board Member Thomas Foristel, seconded by Zoning Board Member Steven Lowenthal at the March 11, 2021 meeting.

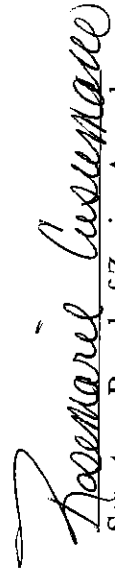
ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: None

  
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.

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Iannaco  
3/11/2021

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

Calendar No. Z21-002

Date: March 11, 2021

Property Owner: Sean & Elizabeth Meegan

Property Address: 29 Orchard Street  
Harrison, New York 10528

Block 253 Lot 10

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, Architect filed an application on January 19, 2021 on behalf of Sean & Elizabeth Meegan for area variance to construct a new detached garage. This property is located in an R-50 Zoning District and is a legally existing non-conforming corner lot. The applicant is seeking to remove an existing non-conforming detached garage and construct a new detached two car garage. Due to the nature of the property any accessory structures fronting on Landolfe Place will be non-conforming. The new garage location will help reduce the non-conformity. Pursuant to §235-18 (2)(b) of the Table of Dimensional Regulation of the Town/Village of Harrison the front yard setback for a detached structure is 60 feet. The new detached garage will reduce the setback to 17 feet 2 inches; thus requiring a 42 foot 10 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 7:00 p.m., on February 11, 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 and Michael Tiesi and Thomas Haynes; 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:

*Z21-002  
Meegan  
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 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 property is a legally existing non-conforming corner lot.
2. The Applicant is proposing to remove the existing non-conforming detached garage and construct a new detached two car garage.
3. The proposed new detached two car garage location will help reduce the non-conformity.
4. There were no objections for the new two car garage, just questions regarding street parking from neighbors.
5. 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 permission to construct a detached two car garage as indicated in the plans submitted RMG Associates 1 of 1 dated November 13, 2020 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.

Z21-002  
Meegan  
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 Ernest Fiore, seconded by Zoning Board Member Michael Tiesi at the meeting on March 11, 2021.

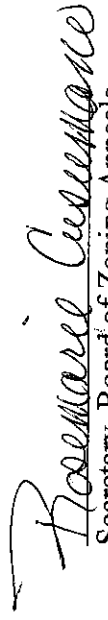
**ADOPTED:**

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

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Z21-002  
Meegan  
2/11/2021