

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, May 12, 2022 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

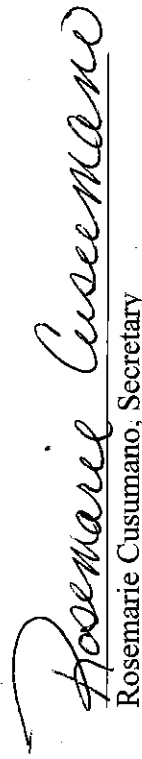
The Chairman called the meeting to order at 7:30 p.m.

<u>Cal. #</u>	<u>Applicant</u>	<u>Block</u>	<u>Lot</u>	<u>Decision</u>
Z21-044	Taryn Mackinnon	545	91	Variance Granted
Z22-003	Lara Pulka	491	15	Variance Granted
Z22-008	Patrice & Michael Meagher	604	7	Variance Granted
Z22-009	Nelson Gaertner Jr.	961	12	Variance Granted
Z22-011	Justin & Kerri Hamill	681	71	Variance Granted
Z22-012	Nicolai Lund	981	64	Heard – Closed – Findings being prepared
Z22-013	Gino & Maria Vetrini	644	9	Not Heard
Z22-014	Matthew Stern	982	9	Heard – Closed – Findings being prepared

The next meeting was scheduled to June 9, 2022

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.

TOWN CLERK
HARRISON, NY

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

Calendar Z21-044

Date: May 12, 2022

Property Owner: Taryn Mackinnon

Property Address: 7 Lakeside Drive

Block 545 Lot 91

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, Joseph Carpanzano with Reliable Fence Company, filed an application on behalf of the property owner of 7 Lakeside Drive, Taryn Mackinnon, on December 17, 2021 for a variance from the Zoning Ordinance to replace and existing fence within 50 feet of a pond. This property is located in an R-1 Zoning District and pursuant to the Code of the Town/Village of Harrison §235-31 (A) Except in the R-75, B and MF Residence District and in the PB, NB, CBD and MFR Business District, all buildings and structures shall be set back at least 50 feet from the seasonal high water level water's edge or established channel lines of streams and other water bodies, as established by the Town Board. Where such lines have not been established by the Town board, reference shall be made to those established by other governmental bodies such as the State, the County, Soil Conservation Services of the United States Department of Housing and Urban Development and Federal Insurance Administration. The proposed fence is within 50 feet of a pond; *thus requiring a variance for the 50 foot required setback*; and

WHEREAS, a Public Hearing on this application was duly scheduled and held by the Board of Zoning Appeals, via the Platform Zoom, Harrison, New York, at 7:30 p.m., on January 13, 2022, February 10, 2022, April 13, 2022, after due notice and publication pursuant to Town Law 267-a (7) at which the following members were either present in person or indicated that they had listened to tapes of the Hearing: Paul Katz, Ernest Fiore, Steven Lowenthal, Tom Foristel, William Harold 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

Z21-044
Mackinnon
5/12/2022

WHEREAS, at said Hearing, the applicant appeared in support of the variance and the owners of 4 Flagler Drive Patrick and Diane LoRusso 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 located at 7 Lakeside Drive in an R-1 Zoning District and is one of five homes which back up to the same pond.
- B) The proposed fence will be in the same location as an existing fence which has existed for more than 23 years and is damaged and dangerous. The proposed split rail fence will have a wire backing and installed 4 inches above the ground allowing wildlife access to the yard.
- C) The proposed fence does not change the character of the neighborhood since other homes backing up to ponds in the subdivision have similar fences, stone walls, bridges, gazebo and other structures within the 50 foot setback.

Z21-044
Mackinnon
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D) The Board found that the benefit in granting of the proposed fence far outweigh the detriment to the health, safety and welfare of the neighborhood or community.

NOW THEREFORE BE IT RESOLVED, that the application for a replacement fence 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 Michael Tiesi, seconded by Zoning Board Member William Harold at the May 12, 2022 meeting.

ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: None

Z21-044
Mackinnon
5/12/2022

Rosemarie Cusumano
Secretary, Board of Zoning Appeals

Paul Krzyz

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.

TOWN CLERK
HARRISON, NY

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5/12/2022

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

Calendar No. Z22-003

Property Owner: Lara Pulka

Date: May 12, 2022

Property Address: 3 Valley Ridge Road

Block 491 Lot 15

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, Benedict Salanitro, Engineer, filed an application on behalf of Lara Pulka on February 15, 2022 for a variance from the Zoning Ordinance to construct an in ground swimming pool located at 3 Valley Ridge Road. This property is a corner lot located in an R-1 Zoning District and pursuant to §235-9B Table of Dimensional Regulations of the Town/Village of Harrison, Accessory structures require a 75 foot setback from the front property line. The proposed pool reduces the front yard setback to 41 feet 7 inches; *thus requiring a 33 foot 5 inch 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 April 13, 2022, after due notice and publication pursuant to Town Law 267-a (7) at which the following members were either present in person or indicated that they had listened to tapes of the Hearing: Paul Katz, Ernest Fiore, Steven Lowenthal, Tom Foristel, William Harold 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:

Z22-003
Pulka
5/12/2022

- (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 located in an R-1 Zoning District and is considered to have two front yards which has different setbacks than an interior lot.
- B) There would be no apparent detriment to the surrounding properties or the neighborhood.
- C) The character of the neighborhood would not change.
- D) There were no objections from any of the neighbors.

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.

Z22-003
Pulka
5/12/2022

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 Steve Lowenthal, seconded by Zoning Board Member Thomas Foristel at the May 12, 2022 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

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TOWN CLERK
HARRISON, NY

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Z22-003
Pulka
5/12/2022

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

Calendar No. Z22-008

Property Owner: Patrice and Michael Meagher

Date: May 12, 2022

Property Address: 1 Plymouth Road

Block 604 Lot 7

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, Sean Janeski Landscape Architect, filed an application on behalf of Patrice and Michael Meagher on February 16, 2022 for a variance from the Zoning Ordinance for swimming pool equipment located at 3 Plymouth Road. This property is located in the R-1 Zoning District and is a corner lot and pursuant to the Table of Dimensional Regulation of the Town/Village of Harrison §235-28(I) No pool, pump, filters, compressor, or other pool related equipment shall be constructed, installed or maintained within the setback required in any resident district, except as set forth in Subparagraph A. Subparagraph A: Swimming pools, pumps, filters, compressor, or other pool related equipment may be located within that portion of the lot in which accessory buildings are permitted under the provisions of this chapter applicable to the district in which such lot is located. Pursuant to §235-18B(2) (A) No accessory building or structure shall be located nearer to the street line than the following setbacks: R-2.5, R-2, R-1, R ½, R 1/3 and GA Districts: 75 feet. The pool equipment is located 48 feet 8 inches from the front yard of Polly Park Road where a setback of 75 feet is required; *thus requiring a 26 feet 4 inch 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 April 13, 2022, after due notice and publication pursuant to Town Law 267-a (7) at which the following members were either present in person or indicated that they had listened to tapes of the Hearing: Paul Katz, Ernest Fiore, Steven Lowenthal, Tom Foristel, William Harold 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

Z22-008

Meagher

5/12/2022

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 located in an R-1 Zoning District and is considered to have two front yards which has different setbacks than an interior lot.
- B) There would be no apparent detriment to the surrounding properties or the neighborhood.
- C) The character of the neighborhood would not change.
- D) There were no objections from any of the neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for permission to locate pool equipment from the front yard of Polly Park Road as indicated in the plans submitted with this application be, and the same is hereby granted.

Z22-008
Meagher
5/12/2022

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 William Harold, seconded by Zoning Board Member Ernest Fiore at the May 12, 2022 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 Cusumano
Secretary, Board of Zoning Appeals

Paul Katz

Acting Chairman, Board of Zoning Appeals

TOWN CLERK
HARRISON, NY

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Z22-008

Meagher

5/12/2022

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

Calendar No. Z22-009

Date: May 12, 2022

Property Owner: Nelson Gaertner, Jr.

Property Address: 3999 Purchase Street

Block 961 Lot 12

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, Nelson Gaertner, Jr., filed an application on March 14, 2022 for a variance from the Zoning Ordinance to construct a detached garage at the premises located at 3999 Purchase Street. This property is located in an R-2 Zoning District and pursuant to §235-9B Table of Dimensional Regulations of the Town/Village of Harrison. Accessory structures shall have a maximum height of 15 feet to the mid-span of the roof. The proposed garage has a mid-span of 18 feet 3 inches; *thus requiring a variance of 3 feet 8 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 April 13, 2022 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were either present in person or indicated that they had listened to tapes of the Hearing: Paul Katz, Ernest Fiore, Steven Lowenthal, Tom Foristel, William Harold 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:

Z22-009
Gaertner
5/12/2022

- (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 majority of the property is maintained as a combination of open and planted green space.
- B) The detached three car garage will be built approximately in the same location as the original detached garage and at a significant distance from all boundaries of the property.
- C) There will be ample screening from the neighbor on the east side by trees along the property line.
- D) The building has been designed to evoke the style of the original detached garage, and will blend in with the existing character of the neighborhood.
- E) There were no objections from neighbors.
- F) The construction of the detached garage does not have a negative impact on the neighborhood.

NOW THEREFORE BE IT RESOLVED, that the application for permission to construct a detached garage as indicated in the plans submitted with this application be, and the same is hereby granted.

Z22-009
Gaertner
5/12/2022

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 Thomas Foristel, seconded by Zoning Board Member Ernest Fiore at the May 12, 2022 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 LeeSeeman
Secretary, Board of Zoning Appeals

Paul Katz

Acting Chairman, Board of Zoning Appeals

TOWN CLERK
HARRISON, NY

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Z22-009
Gaertner
5/12/2022

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

Calendar No. Z22-011

Date: May 12, 2022

Property Owner: Kerri Hamill

Property Address: 3086 Purchase Street

Block 681 Lot 71

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, Paul Noto, Attorney, filed an application on behalf of Kerri Hamill on March 17, 2022 for a variance from the Zoning Ordinance to construct a two story addition located at 3086 Purchase Street. This property is located in an R-2 Zoning District and pursuant to the Code of the Town/Village of Harrison §235-9 B the Table of Dimensional Regulations the minimum required rear yard setback is 100 feet. The proposed 2 Story Addition has a rear yard setback of 55 feet; *thus requiring a variance of 45 feet*; 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 April 13, 2022 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were either present in person or indicated that they had listened to tapes of the Hearing: Paul Katz, Ernest Fiore, Steven Lowenthal, Tom Foristel, William Harold 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:

Z22-011
Hamill
5/12/2022

- (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 considered to be a flag lot off Purchase Street and abuts Old Oaks Country Club to the West and North of the property.
- B) The garage addition will have no apparent detriment to the surrounding properties or the neighborhood.
- C) The character of the neighborhood would not change.
- D) There were no objections from any of the neighbors.
- E) The location of the proposed garage is heavily screened and will not be visible from any other property.

NOW THEREFORE BE IT RESOLVED, that the application for permission to construct a garage addition 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

Z22-011

Hamill

5/12/2022

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 Steven Lowenthal at the May 12, 2022 meeting.

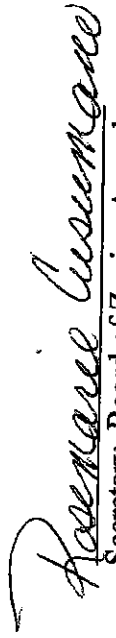
ADOPTED:

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

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HARRISON, NY

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Z22-011
Hamill
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