

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, December 8, 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
Steven Lowenthal
Thomas Foristel
William Harold
Thomas Haynes

Members Absent

Ernest Fiore
Michael Tiesi

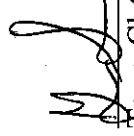
The Chairman called the meeting to order at 7:30 p.m.

<u>Cal. #</u>	<u>Applicant</u>	<u>Block</u>	<u>Lot</u>	<u>Decision</u>
Z22-037	Joan Walsh	691	109	Variance Granted
Z22-041	Javier Diaz	517	3	Heard – Closed – Findings being prepared
Z22-042	Salvatore Monastra	915	11	Variance Granted
Z22-043	Facial & Oral Surgery Specialists	622	10	Variance Granted
Z22-044	Clark Pager	951	22	Heard – Closed – Findings being prepared
Z22-045	Glenn Picco	314	10	Variance Granted
Z22-046	Russell Marra	854	33	Heard – Closed – Findings being prepared
Z22-047	33 Calvert Properties LLC	121	22 & 29	Heard – Closed – 2 Year Extension Granted
Z22-048	John Martorano	262	7	Heard – Closed – Findings being prepared

The next meeting was scheduled to January 12, 2022

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


Rosemarie Cusumano, Secretary


Deputy Town Clerk
HARRISON, NEW YORK
JAN 12 2022

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

RECEIVED

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

Calendar No. Z22-037

Date: December 8, 2022

Property Owner: Joan Walsh

Property Address: 6 Spring Lake Drive

Block 691 Lot 109

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, Joan Walsh filed an application on September 2, 2022 for a variance from the Zoning Ordinance to install a generator at 6 Spring Lane Drive. This property is located in an R-1/3 Zoning District and pursuant to the Code of the Town/Village of Harrison §235-9 B of the Table of Dimensional Regulations the minimum required side yard setback is 15 feet. The proposed 22 kW Generator with a side yard setback of 12.2 feet; **thus requiring a variance of 2.8 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 November 10, 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, 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:

Z22-037

Walsh

12/8/2022

- (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 at 6 Spring Lake Drive and is in an R-1/3 zoning district.
- B) The proposed location of the 22kW generator will be on an existing patio. The affected neighbor at 8 Spring Lake Drive's driveway is adjacent to the existing patio and there is screening between the patio and the driveway.
- C) There were no objections from any of the neighbors. A letter of support was received by the Board on November 10, 2022 from the neighbor at 8 Spring Lake Drive.

NOW THEREFORE BE IT RESOLVED, that the application for permission to install a generator 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 two years from the date this variance is recorded in the Clerk's Office and is completed no more than four years from said date.

Z22-037

Walsh

12/8/2022

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 Steven Lowenthal, seconded by Zoning Board Member Thomas Foristel at the December 8, 2022 meeting.

ADOPTED:

AYES: Paul Katz, Steven Lowenthal, Thomas Foristel, William Harold
and Thomas Haynes

NAYS: None

ABSTAINED: None

ABSENT: Ernest Fiore and Michael Tiesi

Rosemarie Casemano
Secretary, Board of Zoning Appeals

Paul Katz

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.

2022 DEC - 9 P 3:56

RECEIVED

Z22-037
Walsh
12/8/2022

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

Calendar No. Z22-042

Date: December 8, 2022

Property Owner: Salvatore Monastra

Property Address: 224 Lincoln Avenue

Block 915 Lot 11

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, Chris Crocco filed an application on behalf of Salvatore Monastra on September 14, 2022 for a variance from the Zoning Ordinance to allow a second driveway at 224 Lincoln Avenue. This property is located in a B Zoning District and 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. Nothing herein shall be constructed to prohibit a second driveway on a property, provided that: (a) The property has a lot width of 100 feet or more. The proposed new two-unit dwelling with a second driveway on the property with a lot width of 58 feet; **thus requiring a variance for the second driveway**; 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 November 10, 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, 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

Z22-042
Monastra
12/8/2022

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 224 Lincoln Avenue and is in an B zoning district.
- B) The proposed new two-family home is on the side of the street where parking is prohibited. The proposed second curb cut will provide off street parking for two addition cars for a total of six off street parking spaces.
- C) There will be no adverse effect to the neighborhood since several homes already have this condition.
- D) There were no objections from any of the neighbors.
- E) The proposed has been referred to this Board from the Planning Board.

NOW THEREFORE BE IT RESOLVED, that the application for permission for an additional curb cut 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.

Z22-042
Monastra
12/8/2022

This variance shall lapse unless construction begins within two years from the date this variance is recorded in the Clerk's Office and is completed no more than four 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 Haynes, seconded by Zoning Board Member William Harold at the December 8, 2022 meeting.

ADOPTED:

AYES: Paul Katz, Steven Lowenthal, Thomas Foristel, William Harold
and Thomas Haynes

NAYS: None

ABSTAINED: None

ABSENT: Ernest Fiore and Michael Tiesi

Rosemarie Cusumano
Secretary, Board of Zoning Appeals

Paul Katz

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
VANCE

2022 DEC - 9 P 3:56

RECEIVED

Z22-042
Monastra
12/8/2022

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

Calendar No. Z22-043

Date: December 8, 2022

Property Owner: MCTK Holdings, LLC

Property Address: 55 West Red Oak Lane Block 622 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, Michael Lang filed an application on behalf of Facial & Oral Surgery Specialists on October 12, 2022 for a variance from the Zoning Ordinance to allow a wall sign larger than 20 square feet located at 55 West Red Oak Lane. This property is located in an SB-O Zoning District and pursuant to the Code of the Town/Village of Harrison §235-47 B: Each building shall be permitted to have one wall sign attached to or incorporated to the building wall or related structure feature at the principal building entrances, provided that such signs shall not be visible from off the premises except from the front lot line. Such signs shall have: (1) An area not exceeding 20 square feet each. (2) A maximum projection of 10 inches from the face of the wall or structure. (3) No more that the name and business of the establishment located on the premises and directional information. The proposed sign will have an area of 57 square feet; **thus requiring a variance of 37 square feet.** The sign will be installed at the top of the building façade; 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 November 10, 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, 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

Z22-043
Facial & Oral Surgery Specialists
12/8/2022

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 at 55 West Red Oak Lane and is in an SB-0 zoning district. West Red Oak Lane consists of all commercial properties.
- B) The proposed sign will be visible from Westchester Avenue and I-287 so there will be no visual impact to neighboring properties.
- C) There will be no adverse effect to the neighborhood.
- D) There were no objections from any of the neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for permission for a wall sign having an area of 57 square feet 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.

Z22-043
Facial & Oral Surgery Specialists
12/8/2022

This variance shall lapse unless construction begins within two years from the date this variance is recorded in the Clerk's Office and is completed no more than four 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 Thomas Foristel at the December 8, 2022 meeting.

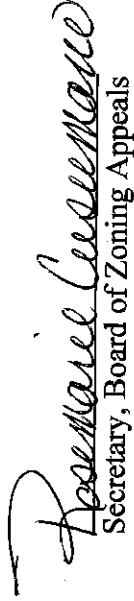
ADOPTED:

AYES: Paul Katz, Steven Lowenthal, Thomas Foristel, William Harold
and Thomas Haynes

NAYS: None

ABSTAINED: None

ABSENT: Ernest Fiore and Michael Tiesi


Secretary, Board of Zoning Appeals



Acting Chairman, Board of Zoning Appeals

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RECEIVED

Z22-043
Facial & Oral Surgery Specialists
12/8/2022

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

Calendar No. Z22-045

Date: December 8, 2022

Property Owner: Glenn Picco

Property Address: 23 Glendale Road

Block 314 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, Glenn Picco filed an application on October 17, 2022 for a variance from the Zoning Ordinance to allow the installation of an HVAC Condenser in the same location as an existing smaller condenser located at 23 Glendale Road. This property is located in an R-1 Zoning District and is legally existing non-conforming with regards to the front yard setback (35.2 feet) and the side yard setbacks (16.5 feet and 14 feet). Pursuant to the Code of the Town/Village of Harrison §235-9 B of the Table of Dimensional Regulations the minimum required side yard setback is 20 feet. The proposed installation of an HVAC Condenser Unit with a side yard setback of 13 feet 11 inches; *thus requiring a variance of 6 feet 1 inch*; 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 November 10, 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, 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:

Z22-045

Picco

12/8/2022

- (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 at 23 Glendale Road and is in an R-1 zoning district and is legally existing non-conforming with regards to the front yard setback and side yard setback.
- B) The proposed HVAC condenser will replace a smaller unit in the same location which has been there since before 1993.
- C) There would be no apparent detriment to the surrounding properties or the neighborhood.
- D) The character of the neighborhood would not change.
- E) There were no objections from any of the neighbors. The Board received a letter in support from the adjacent neighbor at 19 Glendale Road.

NOW THEREFORE BE IT RESOLVED, that the application for permission for a HVAC condenser unit 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.

Z22-045
Picco
12/8/2022

This variance shall lapse unless construction begins within two years from the date this variance is recorded in the Clerk's Office and is completed no more than four 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 Thomas Haynes at the December 8, 2022 meeting.

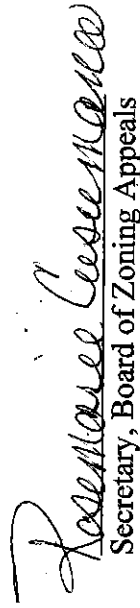
ADOPTED:

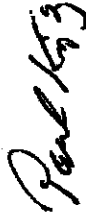
AYES: Paul Katz, Steven Lowenthal, Thomas Foristel, William Harold
and Thomas Haynes

NAYS: None

ABSTAINED: None

ABSENT: Ernest Fiore and Michael Tiesi


Secretary, Board of Zoning Appeals



Acting Chairman, Board of Zoning Appeals

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2022 DEC - 9 P 3: 57

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Z22-045
Picco
12/8/2022