

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, February 9, 2023 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
Michael Tiesi
Thomas Haynes

Members Absent

William Harold
Ernest Fiore

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>
Z22-049	Richard Banach	701	7	Variance Granted
Z22-050	Buckout Developers LLC	1001	58.5	Heard – Closed – Findings being prepared
Z22-051	Maynooth Holdings, LLC	103	16	Heard – Closed – Findings being prepared
Z22-053	Antonio Spagnoli	715	27	Variance Granted
Z23-001	Frederick Ortiz	143	4	Heard – Closed – Findings being prepared
Z23-002	Harrison Real Estate Group, LLC	131	17	Heard – Withdrawn
Z23-003	Linda Altshuler	508	76	Heard – Closed – Findings being prepared

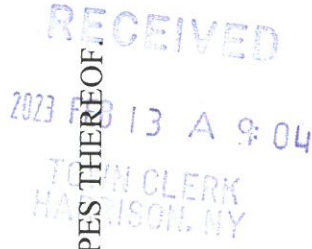
The next meeting was scheduled to March 9, 2023

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

Jacqueline Breen

Town Clerk's Office

Rosemarie Cusumano
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. Z22-049

Date: February 9, 2023

Property Owner: Richard Banach

Property Address: 63 Anderson Hill Road Block 701, 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, Richard Banach property owner filed an application on November 28, 2022 for a variance from the Zoning Ordinance to legalize and existing slate patio and wood deck. This property is located in an R-1/3 Zoning District and pursuant to the Code of the Town/Village of Harrison §235-31A Setbacks from Streams and other bodies of water: 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 legalization of the existing wood deck and slate patio lying wholly in the 50-foot buffer; ***thus, requiring a 50-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 January 12, 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

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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 63 Anderson Hill Road in a R-1/3 Zoning District.
- B) The property owner is proposing legalize and existing wooden deck and slate patio which is lying wholly within the 50 foot buffer of the brook located in the rear yard.
- C) There were no objections from the neighbors.
- D) No undesirable change in the character of the neighborhood or detriment to nearly properties will be created by the granting of the variance

NOW THEREFORE BE IT RESOLVED, that the application for permission construct a one-story vestibule and roofed entrance 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.

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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 Thomas Foristel at the February 9, 2023 meeting.

ADOPTED:

AYES: Paul Katz, Steven Lowenthal, Thomas Foristel, Michael Tiesi and Thomas Haynes

NAYS: None

ABSTAINED: None

ABSENT: Ernest Fiore and William Harold

Rosemarie Cusumano
Secretary, Board of Zoning Appeals

Paul Katz

Acting Chairman, Board of Zoning Appeals

RECEIVED
2023 FEB 13 A 9:04
TOWN CLERK
HARRISON, NY

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

Calendar No. Z22-053

Date: February 9, 2023

Property Owner: Antonio Spagnoli

Property Address: 243 Duxbury Road

Block 715 Lot 27

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, Antonio Spagnoli filed an application on December 21, 2022 for a variance from the Zoning Ordinance to appeal Section 143-28-B Sprinkler System Ordinance for property located at 243 Duxbury Road. This property is located in an R-1/3 Zoning District and pursuant to §143-28-B Titled Buildings Required to have Fire Sprinkler Systems of the local Ordinance of the Town/Village of Harrison. Any construction or renovation to an existing structure, or extension or increase in floor area or height of a building, or renewal of any part of an existing building for the purpose of its maintenance, or any combination thereof within a two-year period which exceeds 50% of a building's existing gross floor area, the entire building except for crawl spaces shall be equipped with a fire sprinkler system installed in accordance with all of the provisions of the article. The meaning of the words used in this section shall be the same as those used in the than current version of the Budling Code of New York State. Upon an inspection it was discovered the alteration has gone beyond the 50% threshold and is now required to have a fire sprinkler system installed throughout the entire structure. The owner is seeking relief from this code provision, *therefore as per §143-31-D the owner is seeking a 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 January 12, 2023, 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

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WHEREAS, Board Members had inspected the site; and

WHEREAS, at said Hearing, the applicant appeared in support of the variance and one person 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 243 Duxbury Road is located an R-1/3 zoning district and was built in 1965.
- B) The applicant stated that during the alterations it was discovered that asbestos was found throughout the sheetrock joint compound and the linoleum flooring throughout the home so we had to gut the entire home creating more that 50% of the existing gloss floor area; thus, requiring to have a fire sprinkler system installed throughout the entire structure.
- C) The applicant is required to install a robust fire alarm system that will require direct communications with an alarm company, police or fire department as agreed by the applicant and the Board.

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- D) The applicant is required to install one fire extinguisher on each floor including one in the attic, basement, garage and in the kitchen.
- E) The fact that sprinkles will not be installed in the single-family home will have no apparent detriment to the surrounding properties or the neighborhood.
- F) There were several letters received by the Board in favor of the application.

NOW THEREFORE BE IT RESOLVED, that the application for permission to appeal Section 143-28-B Sprinkler System Ordinance as indicated in this application be, and the same is hereby granted.

Foregoing Resolution submitted by Zoning Board Member Thomas Foristel, seconded by Zoning Board Member Michael Tiesi at the February 9, 2023 meeting.

ADOPTED:

AYES: Paul Katz, Steven Lowenthal, Thomas Foristel, Michael Tiesi and Thomas Haynes

NAYS: None

ABSTAINED: None

ABSENT: Ernest Fiore and William Harold

Rosemarie Cusumano
Secretary, Board of Zoning Appeals

Paul Katz

Acting Chairman, Board of Zoning Appeals

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