

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, March 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
Ernest Fiore
Thomas Foristel
Michael Tiesi
Thomas Haynes

Members Absent

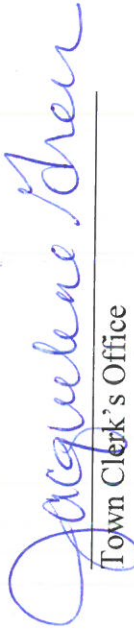
William Harold
Steven Lowenthal

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>
Z22-050	Buckout Developers LLC	1001	58.5	Variance Granted
Z22-051	Maynooth Holdings, LLC	103	16	Variance Granted
Z23-001	Frederick Ortiz	143	4	Variance Granted
Z23-003	Linda Altshuler	508	76	Variance Granted
Z23-004	Buckout Developers LLC	1001	58.2	Heard – Closed – Findings being prepared
Z23-005	Marc Cottini	892	27	Heard – Closed – Findings being prepared

The next meeting was scheduled to April 13, 2023

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
2023 MAR 13 A 9:59

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

Calendar No. Z22-050

Date: March 9, 2023

Property Owner: Buckout Developers LLC

Property Address: 4 Hayden Lane

Block 1001 Lot 58.5

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, Brian Sinsabaugh, filed an application on December 19, 2022 on behalf of the property owner Buckout Developers LLC for a variance from the Zoning Ordinance to install a generator at 4 Hayden Lane. This property is located in an R-1 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 20 feet. The proposed installation of a generator in the side yard with a setback of 10 feet; thus requiring a variance of 10 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 January 12, 2023 and February 9, 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

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:

Z22-050

Buckout Developers LLC

3/9/2023

- (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 4 Hayden Lane and is in an R-1 zoning district. Hayden Lane is a new 6 lot subdivision.
- B) The proposed generator location was determined during a field inspection with Con Edison in which the electrical service had to be set in a new location due to the amount of rock out cropping's.
- C) There would be no apparent detriment to the surrounding properties or to the neighborhood.
- D) There were no objections from any of the neighbors.

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.

Z22-050
Buckout Developers LLC
3/9/2023

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 Michael Tiesi, seconded by Zoning Board Member Thomas Foristel at the March 9, 2023 meeting.

ADOPTED:

AYES: Paul Katz, Ernest Fiore, Thoms Foristel, Michael Tiesi and Thomas Haynes

NAYS: None

ABSTAINED: None

ABSENT: Steven Lowenthal and William Harold

Rosemarie Cusumano
Secretary, Board of Zoning Appeals

Paul Katz

Acting Chairman, Board of Zoning Appeals

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TOWN CLERK
ROSELAND, 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.

Z22-050
Buckout Developers LLC
3/9/2023

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

Calendar No. Z22-051

Date: March 9, 2023

Property Owner: Maynooth Holdings LLC

Property Address: 132 Halstead Avenue

Block 103 Lot 16

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, Steven Wrabel, Esq. Attorney, filed for an application on behalf of Maynooth Holdings LLC, on December 19, 2022 for a variance from the Zoning Ordinance to permit the construction of a new mixed-use building. This property is located in a MFR Zoning District and pursuant to §235-12-B of the Commercial Table of Dimensional Regulations of the Town/Village of Harrison. The maximum lot coverage for a multiple dwelling is 50%. Also, as per 235-40-B Every combined entrance and exit driveway shall have a minimum unobstructed width 25 feet. The proposed multi-family building requires 2 Variances. 1) The proposed lot coverage is indicated to be 56.6 percent, thus requiring a variance of 6.6 percent. 2) The proposed driveway entrance width is indicated to be 20 feet, thus requiring a variance of 5 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 January 12, 2023 and February 9, 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

WHEREAS, Board Members had inspected the site; and

Z22-051
Maynooth Holdings LLC
3/9/2023

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 including visual, environmental, and fiscal analysis, 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 132 Halstead Avenue and is in an MFR zoning district. The applicant is proposing to demolish the existing mixed-use building containing a liquor store on the first floor and two apartments on the second floor which was constructed in 1927.

The applicant proposes the construction of a new four-story mixed-use building, comprised of commercial space and parking on the first floor and twelve dwelling units on the three floors above along with rooftop amenity space and lawn area for tenant use.

- B) This was referred by the Planning Board with a positive recommendation.
- C) There would be no apparent detriment to the surrounding properties or to the neighborhood and no change to the character of the neighborhood. The

Z22-051
Maynooth Holdings LLC
3/9/2023

building will meet all required height and setback requirements, and the project will incorporate landscaping and increase green space.

- D) The benefit to the applicant cannot be achieved by a feasible alternative. Due to the size and layout of the property, the driveway cannot be widened without losing parking or moving the parking lot closer to the watercourse on the adjacent property. A reduced building footprint would also render the project unfeasible.
- E) The requested variances are not substantial in light of the project circumstances. The applicant demonstrated limited impacts from the granting of the variances, and showed significant environmental site improvements.
- F) The proposed action will not have an adverse impact on the physical or environmental conditions of the neighborhood. The project will incorporate various green building elements, reduce impervious coverage, increase plantings, and incorporate stormwater mitigation measures on a site that currently has no such mitigation.
- G) The difficulty faced by the applicant results from the need to create a viable project and to provide adequate on-site parking. Even if the difficulty is self-created it does not preclude the granting of the variance.
- H) There were no objections from neighbors.
- I) The benefit to the applicant outweighs any potential detriment to the neighborhood.

NOW THEREFORE BE IT RESOLVED, that the application for permission to construct the new mixed-use 4 story building 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 year 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.

Z22-051
Maynooth Holdings LLC
3/9/2023

An application for an extension of these periods may be granted by the Board of Zoning Appeals if good cause is shown by the applicant and, if in the Board's judgment, the facts and circumstances which existed at the time of the original application have not materially changed.

Foregoing Resolution submitted by Zoning Board Member Thomas Haynes, seconded by Zoning Board Member Ernest Fiore at the March 9, 2023 meeting.

ADOPTED:

AYES: Paul Katz, Ernest Fiore, Thoms Foristel, Michael Tiesi and Thomas Haynes

NAYS: None

ABSTAINED: None

ABSENT: Steven Lowenthal and William Harold


Secretary, Board of Zoning Appeals



Acting Chairman, Board of Zoning Appeals

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MILTON, NY

Z22-051
Maynooth Holdings LLC
3/9/2023

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

Calendar No. Z23-001

Date: March 9, 2023

Property Owner: Frederick Ortiz

Property Address: 261 Park Avenue

Block 143 Lot 4

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, Frederick Ortiz, filed an application on January 4, 2023 for a variance from the Zoning Ordinance to permit the construction of a proposed driveway/parking area. This property is located in an R-75 Zoning District and is legally existing non-conforming with regards to the front yard setback (23.17 feet). 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. The proposed driveway/parking area is located within the required front and side yard; thus requiring 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 February 9, 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

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

Z23-001

Ortiz

3/9/2023

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 261 Park Avenue and is in an R-75 zoning district. The existing garage was converted to living space by a previous owner.
- B) There would be no apparent detriment to the surrounding properties or to the neighborhood.
- C) The driveway/parking area will not change the character of the neighborhood.
- D) There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for permission to construct the driveway/parking area 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.

Z23-001

Ortiz

3/9/2023

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 Michael Tiesi at the March 9, 2023 meeting.

ADOPTED:

AYES: Paul Katz, Ernest Fiore, Thoms Foristel, Michael Tiesi and
Thomas Haynes

NAYS: None

ABSTAINED: None

ABSENT: Steven Lowenthal and William Harold


Secretary, Board of Zoning Appeals



Acting Chairman, Board of Zoning Appeals

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HARRISON, NY

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Z23-001
Ortiz
3/9/2023

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

Calendar No. Z23-003

Date: March 9, 2023

Property Owner: Linda Altshuler

Property Address: 119 Sterling Rd.

Block 508 Lot 76

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, Linda Altshuler, filed an application on January 17, 2023 for a variance from the Zoning Ordinance to permit the construction of an enclosed screened porch over an existing patio. The premises is located in an R-1 Zoning District. The Code of the Town/Village of Harrison, Sec 235-98B Table of Dimensional Regulations for Residence Districts requires a side yard setback of 20 ft. The proposed one-story enclosed porch encroaches into the side yard setback by 16'6" thus requiring a variance of three feet 6 inches; 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 February 9, 2023 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present: Thomas Foristel, Thomas Haynes, Michael Tiesi, Steve Lowenthal and Paul Katz

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:

Z23-003
Altshuler
3/9/2023

- (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 increase does not substantially impact the neighborhood.
- B) Adequate screening from adjacent properties is already in existence.
- C) There would be no apparent detriment to the surrounding properties or to the neighborhood.
- D) The addition will not change the character of the neighborhood.
- E) There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for permission to construct an 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 the terms of this condition. Construction shall be deemed to have been completed when the Building Department has issued a Certificate of Occupancy.

Z23-003

Alitshuler

3/9/2023

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 Thomas Foristel at the March 9, 2023 meeting.

ADOPTED:

AYES:

Paul Katz, Ernest Fiore, Thoms Foristel, Michael Tiesi and
Thomas Haynes

NAYS:

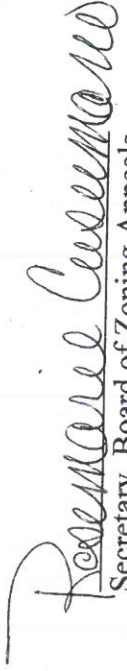
None

ABSTAINED:

None

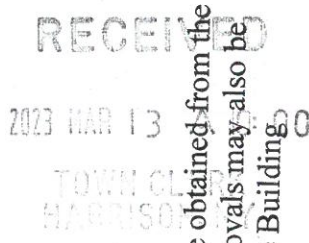
ABSENT:

Steven Lowenthal and William Harold


Secretary, Board of Zoning Appeals



Acting Chairman, Board of Zoning Appeals



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Z23-003
Altshuler
3/9/2023