

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, December 8, 2016, at 8:00 p.m., in the Court Room of the Municipal Building.

Members Present
Mark I. Fisher, Chairman
Ernest Fiore
Steven Lowenthal
Paul Valentine
Tom Foristel

Members Absent
Paul Katz
Michael Strone

The Chairman called the meeting to order at 8:00 p.m.

<u>Cal. #</u>	<u>Applicant</u>	<u>Block</u>	<u>Lot</u>	<u>Decision</u>
Z16-005	Vito Forgione	904	7	Variance Granted
Z16-010	Soverato LLC/Marcella Realty LLC	251	37	Variance Granted
Z16-015	Ehud & Jennifer Livne	601	25	Variance Granted
Z16-019	12 Nelson Avenue LLC	267	11	Not Heard – Adjourned to the January Meeting
Z16-020	John & Pamela King	912	42	Variance Granted
Z16-022	Marie Marino	91	21	Not Heard – Adjourned to the January Meeting
Z16-023	Mark & Diane Holland	513	1	Variance Granted
Z16-024	Gaetano Binasco	643	36	Variance Granted
Z16-025	Armando Carrea	871	40	Heard – Closed – Findings being prepared
Z16-026	Brian & Angela Macom	803	17	Heard – Closed – Findings being prepared
Z16-027	Parag & Usha Saxena	601	42	Heard – Closed – Findings being prepared
Z16-028	Michael & Christine Drummey	544	50	Heard – Closed – Findings being prepared
Z16-029	Seville Plaza	121	22-25, 29	Extension Granted

The next meeting was scheduled to January 12, 2017.

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

Jacqueline Greer

Town Clerk's Office

Rosemarie Cusumano
Rosemarie Cusumano, Secretary

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

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**TOWN CLERK
HARRISON, NY**

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

Calendar No. Z16-005

Date: December 8, 2016

Property Owner: Christine Forgione

Property Address: 242 Park Avenue

Block 904 Lot 7

WHEREAS, the property owner, filed an application for the legalization of the expansion of a finished basement and new construction of the front steps 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, Vito Forgione, on behalf of the property owner, filed an application for a 2 space parking variance on March 11, 2016. The property is located in an B Zoning District and the legalization of the expansion of the finished basement and the reconstruction of the front steps has eliminated 2 of the required 4 parking spaces thus requiring a variance for 2 spaces 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 8:00 p.m., on April 14, 2016, May 12, 2016, June 9, 2016, July 14, 2016, August 11, 2016 and November 10, 2016 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present or indicated that they had listened to tapes of the meeting: Mark Fisher, Paul Katz, Ernest Fiore, Michael Strone, Steven Lowenthal, Paul Valentine and Tom Foristel; 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:

- (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;

*Z16-005
Forgione
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- (B) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;
- (C) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than a variance;
- (D) Whether the requested variance is substantial;
- (E) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
- (F) Whether the alleged difficulty was self-created.

WHEREUPON, the Board found, after due deliberation, based upon the testimony and documents submitted and its site visit, pursuant to Town Law §§267-a and 267-b and Harrison Town Code §§235-56 et seq., it has jurisdiction to grant the requested variance and that the variance sought was the minimum variance necessary and adequate and at the same time preserved and protected the character of the neighborhood and the health, safety and welfare of the community.

The Board found that:

1. Approximately 16 years ago, in connection with the expansion of a finished basement and the reconfiguration of the front steps, the property owner removed a driveway and a garage to which it led resulting in a 2 space deficiency in required parking.
2. As a practical matter, the applicant is only one space short, as the curb cut for the prior driveway has been eliminated which results in the availability of one additional space on the street. However, we recognize that the additional space is not counted for purposes of determining the number of parking spaces provided under the Ordinance.
3. The prior driveway was very steep and, as a result, was of limited utility in bad weather.
4. We are cognizant of the significant parking problem in West Harrison and are loathe to grant variances that would exacerbate the parking situation in West Harrison. To address our concerns the applicant had a parking study prepared by Adler Consulting.
5. Applicant's property is located on the east side of Park Avenue approximately midway between the intersection of Park Avenue and Washington Avenue to the south and the cul-de-sac at the end of Park Avenue to the north. The parking study, which focused exclusively on that area, indicates that there are spaces for a total of approximately 22 vehicles on the east side of Park Avenue (no parking is permitted on the west side) and in the cul-de-sac. The results of the study indicated that during the period from 10:00 a.m. to 10:00 p.m. on the date of the study (Tuesday, October 20, 2016) more than half of the spaces were always available. Accordingly, the study supports the conclusion that there is

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ample parking on Park Avenue within walking distance of the applicant's property

6. The benefits to the applicant in this situation are clear in that applicant avoids the necessity of incurring the cost of restoring a garage that, as a result of the topography, proved to be of limited utility. This benefit must be balanced against the detriment to the neighborhood resulting from the elimination of the two required spots. However, in view of the results of the parking study and the fact that the changes to the garage and the driveway occurred approximately 16 years ago, we find that the benefits outweigh the detriments and that the granting of the variance will not cause an undesirable change in the character of the neighborhood.

NOW THEREFORE BE IT RESOLVED, that the application for a two space variance, as indicated in the plans submitted with this application be, and the same is hereby granted:

Foregoing Resolution submitted by Steve Lowenthal, seconded by Paul Valentine at the December 8, 2016 meeting.

ADOPTED: AYES: Mark Fisher, Ernest Fiore, Steven Lowenthal, Paul Valentine and Tom Foristel

NAYS: None

ABSTAINED: None

ABSENT: Paul Katz, Michael Strone


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

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HARRISON, NY

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

Calendar No. Z16-010

Date: December 8, 2016

Property Owner: Soverato LLC

Property Address: 280 Harrison Ave.

Block 251 Lot 37

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, Soverato LLC filed an application for a variance on June 10, 2016, and thereafter filed an amended application, for permission to allow a professional sign at the above referenced property. The property is located in an R-75 Zoning District and, pursuant to 235-46 of the Zoning Ordinance, signs on professional public street frontage cannot exceed 2 sq. ft. The proposed sign is approximately 4 sq. ft. thus requiring a variance of 2 sq. ft. Also, the proposed sign is shown to have a 3 ft. setback from the property line thus requiring a variance of 12 ft. as 15 ft is required,

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 8:00 p.m., on July 14, 2016 and November 10, 2016 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present or indicated that they had listened to tapes of the meeting: Mark Fisher, Paul Katz, Ernest Fiore, Michael Strone, Steven Lowenthal, Paul Valentine and Tom Foristel; 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:

1. Applicant operates a real estate brokerage firm at the location and originally filed an application which provided for the sign to be located directly on the property line. At the request of the Board, Applicant has now moved the proposed location of the sign to a spot that is 3 feet from the property line. The sign is separated from the street by a white picket fence. The area from the picket fence to the street, which lies entirely in the Town's right of way, consists of a grassy area from the picket fence to a sidewalk, the sidewalk itself, and an additional grassy area from the end of the sidewalk to the street. As a result, although not counted for purposes of computing the setback requirements of the Ordinance, the distance between the sign and the street approximates the 15 foot setback requirement of the Ordinance.
2. The property is located on Harrison Avenue, a short distance away from the central business district. The need for a larger sign is necessitated by the presence of a series of large trees in front of the property. These trees would obscure a smaller sign from view by vehicles proceeding south on Harrison Avenue and, to a lesser extent, would also affect the visibility of a smaller sign by vehicles proceeding north on Harrison Avenue.
3. There are also similar signs along the Harrison Avenue corridor.

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4. There were no objections from neighbors.

5. As a result of the above findings, the granting of variances for the size of the sign and the setback from the property line would not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

NOW THEREFORE BE IT RESOLVED, that the application for variances to allow the addition of a business sign, and the placement of the sign within the setback 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.

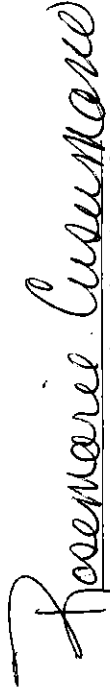
Foregoing Resolution submitted by Tom Foristel, seconded by Paul Valentine at the 12/8/2016 meeting.

ADOPTED: AYES: Mark Fisher, Ernest Fiore, Steven Lowenthal, Paul Valentine and Tom Foristel

NAYS: None

ABSTAINED: None

ABSENT: Paul Katz, Michael Strone


Secretary, Board of Zoning Appeals



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 at (914) 670-3054, 670-3055 or 670-3056.

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

Calendar No. Z16-015

Date: December 8, 2016

Property Owners: Ehud & Jennifer Livne

Property Address: 15 Pilgrim Road

Block 601 Lot 25

WHEREAS, the property owners, 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, Brad DeMontte, on behalf of the property owners, filed an application on June 22, 2016 for an area variance from the Zoning Ordinance for front and side yard variances to permit construction of a two story garage addition to an existing house. This property is located in an R-1 Zoning District. Applicant subsequently filed amended plans modifying the variance applications. The house is existing nonconforming with regard to its front yard and side yard setbacks. The lot is also nonconforming due to its lot width of less than 200 feet. The proposed garage addition reduces the side yard setback to 38.7 feet, thus requiring a variance of 11.3 feet from the 50 feet required by the Ordinance, reduces the total combined side yards to 76.1 feet, thus requiring a variance of 23.9 feet from the 100 feet required by the Ordinance, and reduces the front yard setback to 46.3 feet, thus requiring a variance of 3.7 feet from the 50 feet required by the Ordinance;

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 8:00 p.m., on September 8, 2016, October 13, 2016 and November 10, 2016 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present or indicated that they had listened to tapes of the meeting: Mark Fisher, Paul Katz, Ernest Fiore, Michael Strone, Steven Lowenthal, Paul Valentine and Tom Foristel; 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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Livne
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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:

1. In response to concerns expressed by the Board, applicant scaled back the proposed addition so as to minimize the extent of the variances required.
2. There is existing screening located along the right side property line which, together with the additional plantings referred to below, effectively screen the proposed addition from view from the adjacent property.
3. Applicant has agreed to plant a row of twelve 6 foot arborvitae trees spaced 4 feet apart along the two walls of the proposed addition.
4. As a result of the screening referred to above, the construction of the addition will not create an adverse impact on the adjacent property.
5. The granting of a front yard variance does not create any adverse impact or detriment to the neighborhood as there is no residence located directly across the street and the amount of the variance is de minimis.
6. There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for side and front yard variances to permit construction of a two story garage addition as indicated in the plans be, and it hereby is granted, subject to the following conditions:

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Livne

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Granting of this variance is specifically conditioned on the continued maintenance of the arborvitae trees provided for in the findings.

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.

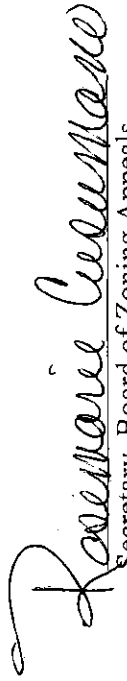
Foregoing Resolution submitted by Steven Lowenthal, seconded by Tom Foristel at the December 8, 2016 meeting.

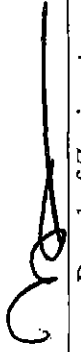
ADOPTED: AYES: Mark Fisher, Ernest Fiore, Steven Lowenthal, Paul Valentine and Tom Foristel

NAYS: None

ABSTAINED: None

ABSENT: Paul Katz, Michael Strone


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

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

Calendar No. Z16-020

Date: December 8, 2016

Property Owners: John & Pamela King

Property Address: 219 Lincoln Avenue

Block 912 Lot 43

WHEREAS, the applicant, the property owner, filed an application to legalize a basement dwelling unit 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, James Polera, on behalf of the property owners, filed an application on September 7, 2016 for an area variance from the Zoning Ordinance. The property is located in a B Zoning District and, pursuant to Section 235-9B of the Table of Dimensional Regulations, the habitable floor area for a one family dwelling is 1,200 square feet. The basement dwelling unit contains 578 square feet of habitable area thus requiring a variance of 622 square 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 8:00 p.m., on October 13, 2016 and November 10, 2016 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present or indicated that they had listened to tapes of the meeting: Mark Fisher, Paul Katz, Ernest Fiore, Michael Strone, Steven Lowenthal, Paul Valentine and Tom Foristel; 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:

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King
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- (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 consider the requested variances.

The Board found that:

- A) The Assessor's records confirm that the property was categorized as a two-family home dating back to 1949. At that time the second floor was recorded as "Unfinished" while the basement unit (the second dwelling unit) was identified as having four rooms plus a separate mechanical room. As a result, it was apparent to the Board that the basement was considered as the second unit in the two-family dwelling. As a result, the dwelling unit that is sought to be legalized has existed for 67 years.
- B) The second dwelling unit has been maintained in its current configuration since the property was purchased by the Applicants in 1977.
- C) Applicants' use of the property as a two-family dwelling is consistent with the zoning of the area and is in keeping with the neighborhood.
- D) While we are cognizant of the fact of the need to eliminate illegal undersized dwelling units, we believe that in view of the history of the basement unit, the application is unique.

NOW THEREFORE BE IT RESOLVED, that the application for a variance to permit a second dwelling unit of 578 square feet as shown on the plan of James Polera, RA dated July 15, 2016, is granted.

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King
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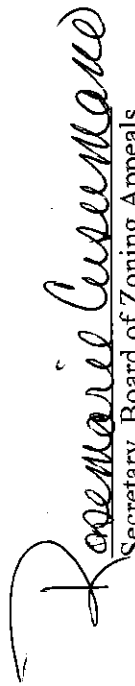
Foregoing Resolution submitted by Ernest Fiore, seconded by Paul Valentine at the December 8, 2016 meeting.

ADOPTED: AYES: Mark Fisher, Ernest Fiore, Steven Lowenthal, Paul Valentine and Tom Foristel

NAYS: None

ABSTAINED: None

ABSENT: Paul Katz, Michael Strone


Secretary, Board of Zoning Appeals


Chairman, Board of Zoning Appeals

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King
12/8/16

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

Calendar No.Z16-023

Date: December 8, 2016

Property Owner: Mark & Diane Holland

Property Address: 51 Pleasant Ridge Road Block 513, Lot 1

WHEREAS, the applicant filed an application to replace an existing deck with a larger deck 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, Raul Bello, on behalf of the property owners, filed an application on September 19, 2016 for a variance from the Zoning Ordinance to allow the replacement of an existing deck with a larger deck. This property is located in an R-1 Zoning District and pursuant to §235-9-B of the Table of Dimensional Regulations of the Town/Village of Harrison Zoning Ordinance the minimum required rear yard setback is 50 feet. The proposed new deck will reduce the rear yard setback to 38 feet, thus requiring a variance of 12 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 8:00 p.m., on November 10, 2016 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present or indicated that they had listened to tapes of the meeting: Mark Fisher, Paul Katz, Ernest Fiore, Michael Strone, Steve Lowenthal, Thomas Foristel and Paul Valentine; 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:

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- (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:

1. The applicant is proposing to replace an existing deck with a larger deck and a pie shaped portion of the proposed deck will be located within the required rear yard setback.
2. The proposed deck is located a substantial distance away from the house located on the adjacent property and the rear of applicant's property is heavily screened from view from the adjacent property. Accordingly, the granting of the variance will have minimal, if any, visual impact on the adjacent property.
3. The granting of the rear yard variance will not change the character of the neighborhood or create any adverse impact on any adjacent property.
4. There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for a rear yard variance to allow construction of a new deck in accordance with the plans filed with this application be, and the same is hereby granted, subject to the following conditions:

Except as specifically set forth above, nothing herein shall be construed to indicate this Board's approval of any architectural, design, or structural elements of the submitted 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.

Holland
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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.

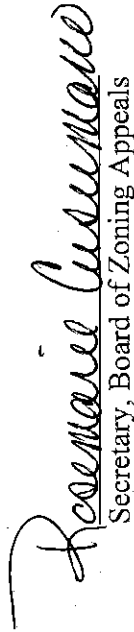
Foregoing Resolution submitted by Ernest Fiore, seconded by Steven Lowenthal at the December 8, 2016 meeting.

ADOPTED: AYES: Mark Fisher, Ernest Fiore, Steven Lowenthal, Paul
Valentine and Tom Foristel

NAYS: None

ABSTAINED: None

ABSENT: Paul Katz, Michael Strone


Secretary, Board of Zoning Appeals



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 at (914) 670-3054 or 670-3055.

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

Calendar No. Z16-024

Date: December 8, 2016

Property Owners: Gaetano Binasco

Property Address: 602 Anderson Hill Road Block 643 Lot 36

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, the applicant, proposes to construct additions to the front and rear of the existing residence which additions will be located completely within the 100 foot buffer zone from Anderson Hill Road.

WHEREAS, this matter has been referred to the Board of Zoning Appeals by the Planning Board with a positive recommendation.

WHEREAS, Mehran Talai on behalf of the property owner, filed an application on October 14, 2016 for a variance from the Zoning Ordinance to permit construction of additions to the existing residence which will be located completely within the 100 foot buffer zone along Anderson Hill Road.

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 8:00 p.m., on November 10, 2016 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present or indicated that they had listened to tapes of the meeting: Mark Fisher, Paul Katz, Ernest Fiore, Michael Strone, Steve Lowenthal, Thomas Foristel and Paul Valentine; 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

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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 house presently exists entirely within the required 100 foot buffer. The proposed addition in the front yard will close in an open porch and the entire addition will be located entirely within the existing footprint and will not extend any closer to Anderson Hill Road than the existing residence.
- B) The Planning Board has issued a positive recommendation.
- C) There would be no apparent detriment to the surrounding properties or to the neighborhood.
- D) There would be no change in the character of the neighborhood.
- E) There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for a variance from the 100 foot buffer zone from Anderson Hill Road to allow construction of additions in accordance with plans filed with this application be, and the same is hereby granted, subject to the following conditions:

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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 the applicant shows good cause and, if in the Board's judgment, the facts and circumstances, which existed at the time of the original application, have not materially changed.

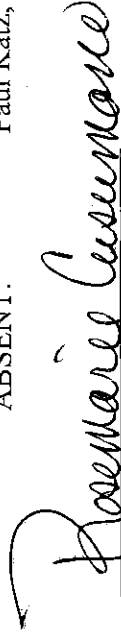
Foregoing Resolution submitted by Tom Foristel, seconded by Paul Valentine at the December 8, 2016 meeting.

ADOPTED: AYES: Mark Fisher, Ernest Fiore, Steven Lowenthal, Paul Valentine and Tom Foristel

NAYS: None

ABSTAINED: None

ABSENT: Paul Katz, Michael Strone


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