

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, August 13, 2020 at 7:00 p.m., Held via Video Conference using the Platform Zoom, Harrison, New York.

Members Present

Paul Katz, Acting Chairman

Ernest Fiore

Steven Lowenthal

Thomas Foristel

William Harold

Michael Tiesi

Thomas Haynes


Members Absent

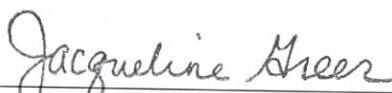
The Chairman called the meeting to order at 8:00 p.m.

<u>Cal. #</u>	<u>Applicant</u>	<u>Block</u>	<u>Lot</u>	<u>Decision</u>
Z19-018	Barletta & Barletta Family Trust	215	114&115	Informal Vote Taken
Z20-013	Marco & Anna Berardi	301	20	Variance Granted
Z20-014	Diego Castillo & Bruni Topete	472	62	Variance Granted
Z20-015	Elias Rabadi	822	13	Variance Granted
Z20-016	Joseph & Alice Torre	508	55	Heard – Closed – Extension Granted
Z20-017	Michael Collin & Catherine Egan	1014	23	Heard – Closed – Findings being prepared

The next meeting was scheduled to September 10, 2020.

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


Town Clerk's Office

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

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

Calendar No. Z20-013

Date: August 13, 2020

Property Owner: Marco & Anna Berardi

Property Address: 616 West Street

Block 301 Lot 20

WHEREAS, the applicant, the property owner, applied for a Building Permit and that application was denied by a determination of Harrison's Building Inspector (the administrative official charged with the enforcement of Harrison's Town Code, Chapter 235 (Zoning)) that the application did not strictly comply with the Code's requirements; and

WHEREAS, Benedict Salanitro, filed an application on June 15, 2020 on behalf of Marco and Anna Berardi for a variance to legalize an existing renovated shed at the above referenced property. This property is located in an R-1 Zoning District with 2 front yards (West Street and Winfield Avenue) and pursuant to the Code of the Town/Village of Harrison §235-18.B(2) No accessory building or structure shall be located nearer to the street line than the following setbacks: (a) R-2.5, R-2, R-1, R-1/2, R-1/3 and GA Districts 75 feet. As per the Code of the Town/Village of Harrison §235-9B of the Table of Dimensional Regulations the required side setback for an accessory structure in an R-1 Zone is 15 feet. *The existing renovated shed requires 2 variances: 1) The existing renovated shed has a front yard setback of 13.4 feet from Winfield Avenue; thus requiring a variance of 61.6 feet. 2) The existing renovated shed has a side yard setback of 2.9 feet; thus requiring a variance of 12.1 feet.*

WHEREAS, a Public Hearing on this application was duly scheduled and held by the Board of Zoning Appeals, via Zoom, Harrison, New York, at 7:00 p.m., on July 9, 2020 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were participating: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas 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:

- (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 a through lot with frontage on West Street and Winfield Avenue.
- B) The renovated shed existed before the property was subdivided.
- C) The shed is at a higher elevation than Winfield Avenue.
- D) The existing shed does not change the character of the neighborhood.
- E) A letter was submitted in favor by the most affected neighbor.
- F) There is a distinguishing difficulty because the lot is a corner lot.
- G) The appearance has to be in keeping with the character of the neighborhood and must be reviewed by the Architectural Review Board prior to a building permit.

NOW THEREFORE BE IT RESOLVED, that the application for to legalize an existing renovated shed 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 Zoning Board Member William Harold, seconded by Zoning Board Member Thomas Foristel at the August 13, 2020 meeting.

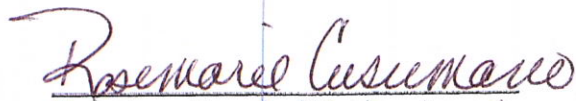
ADOPTED:


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

NAYS: None

ABSTAINED: None

ABSENT: None


Secretary, Board of Zoning Appeals


Acting Chairman, Board of Zoning Appeals

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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TOWN CLERK
HARRISON, NY

Z20-013
Berardi
8/13/2020

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

Calendar No. Z20-014

Date: August 13, 2020

Property Owner: Diego Castillo and Bruni Topete

Property Address: 45 Rigene Road

Block 472 Lot 62

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 Wrable, filed an application on June 17, 2020 on behalf of Diego Castillo and Bruni Topete for a variance to construct a padel court enclosure at the above referenced property. This property is located in an R-1 Zoning District. As per §235-26(9) of the Zoning Ordinance of the Town/Village of Harrison Outdoor tennis courts, paddle courts, basketball courts and other similar courts which are located in conformance with §235-9B and §235-18B(2) may be fenced to a height not to exceed 10 feet above the average natural ground only if: (a) The fence is an open mesh type (chain link). (b) Screened from the view of the street abutting residentially owned properties. Such screening shall be a landscape strip planted with evergreens, with an actual height of at least 6 feet above the natural ground when installed. (c) Fence enclosures may be equipped with the customary windbreaks. *The proposed padel court enclosure is shown to be constructed of 10 foot Plexiglass panels and PVC coated wire mesh fence combination with a 3 foot metal mesh on top, the total height is 13 feet. The court will be dropped into the grade creating a barrier height of no greater than 10 feet from the natural grade. The code speaks to chain link fence only; thus requiring a variance for the Plexiglass material being used.*

WHEREAS, a Public Hearing on this application was duly scheduled and held by the Board of Zoning Appeals, via Zoom, Harrison, New York, at 7:00 p.m., on July 9, 2020 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were participating: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas 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:

- (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 in an R-1 Zoning District and is an oversized lot with 1.9846 acres.
- B) The proposed location of the padel court is 58.7 feet from the nearest property line and is heavily screened with mature landscaping.
- C) The variance being sought by the applicant is for the plexiglass material being used.
- D) The court does meet all required setbacks and padel is a different net sport new to the United States, currently played only in Spain and Argentina. With possibility being the first court in the United States. Required is a presentation of a game in action including sound since the plans call for a solid plexiglass wall system against which a ball may be hit resulting in untenable sound. The town does have sound ordinances but not arising from this kind of sport.

NOW THEREFORE BE IT RESOLVED, that the application for to construct a padel court enclosure as indicated in the plans submitted with this application be subject to a video presentation and an acceptable decibel rating 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 Zoning Board Member Paul Katz, seconded by Zoning Board Member Ernest Fiore at the August 13, 2020 meeting.

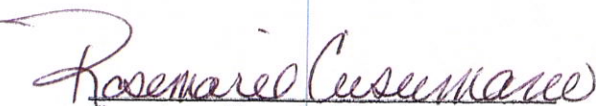
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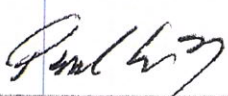
AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel, William Harold, Michael Tiesi and Thomas Haynes

NAYS: None

ABSTAINED: None

ABSENT: None


Secretary, Board of Zoning Appeals


Acting Chairman, Board of Zoning Appeals

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HARRISON, NY

Z20-014
Castillo & Topete
8/13/2020

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

Calendar No. Z20-015

Date: August 13, 2020

Property Owner: Elias Rabadi

Property Address: 25 Pine St.

Block 822 Lot 13

WHEREAS, Elias Rabadi filed an application for a variance on June 17, 2020 to add a front yard portico at the above referenced property. The property is located in a B Zoning District and pursuant to 235-9B of the Zoning Ordinance, the minimum front yard setback is 20 feet. The proposed front entrance portico addition shows a front yard setback of 12 ft 8 in, thus requiring a variance of 7 ft 4 in.

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 7:00 p.m., on July 9, 2020 via Zoom after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present: Thomas Foristel, Thomas Haines, Steven Lowenthal, Michael Tiesi, Ernest Fiore, William Harold and Paul Katz; 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;
- (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 portico would not substantially extend into the front yard setback.
- B) A similar portico in the rear yard is not feasible.
- C) While there are no other houses in line with this house, the visual impact is minimal as the street is not a significant thoroughfare.
- D) The addition would have no negative impact on the neighborhood.
- E) There were no objections from neighbors.
- F) The appearance has to be in keeping with the character of the neighborhood and must be reviewed by the Architectural Review Board prior to a building permit.

NOW THEREFORE BE IT RESOLVED, that the application for a variance for a portico 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.

Foregoing Resolution submitted by Ernest Fiore, seconded by Thomas Foristel at the August 13, 2020 meeting.

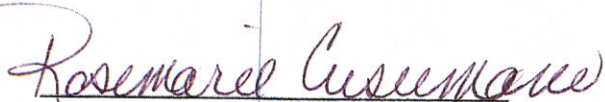
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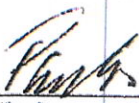
AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel,
William Harold, Michael Tiesi and Thomas Haynes

NAYS: None

ABSTAINED:None

ABSENT: None


Secretary, Board of Zoning Appeals


Acting Chairman, Board of Zoning Appeals

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Z20-015
Rabadi
8/13/2020

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