

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, November 12, 2020 at 7:30 p.m., Held via Video Conference using the Platform Zoom, Harrison, New York.

Members Present

Paul Katz, Acting Chairman
Ernest Fiore
Steven Lowenthal
William Harold
Michael Tiesi
Thomas Haynes

Members Absent

Thomas Foristel

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>
Z20-021	John & Anna Rosanelli	543	6	Variance Granted
Z20-022	Stoneleigh Manor LLC	641	133	Variance Granted
Z20-023	DeCicco & Sons	42	1&16	Heard – Closed – Findings being prepared
Z20-024	Anthony Forte	472	27	Heard – Adjourned to December
Z20-025	Harold Elyward	581	6	Heard – Adjourned to December
Z20-026	172 Woodside Realty LLC	893	7.2	Heard – Closed – Findings being prepared
Z20-027	172 Woodside Realty LLC	893	7.1	Heard – Closed – Findings being prepared
Z20-028	Daniel Chestler	472	56	Heard – Closed – Findings being prepared

The next meeting was scheduled to December 10, 2020

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

Jacqueline Green

Town Clerk's Office

Rosemarie Cusumano
Rosemarie Cusumano, Secretary

ADMINISTRATIVE
RECORDS

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

RECEIVED

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

Calendar No. Z20-021

Date: November 12, 2020

Property Owner: John & Anna Rosanelli

Property Address: 91 Park Drive North

Block 543 Lot 6

WHEREAS, the applicant, the property owner, filed plans to legalize an existing fence 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 the Code's requirements; and

WHEREAS, John Rosanelli, filed an application on September 17, 2020 for an area variance from the Zoning Ordinance to replace an existing fence along Polly Park Road. The property is located in an R-1 Zoning District. The proposed replacement to an existing 6' fence (along Polly Park Road) in the front yard that is not used as the primary access to the dwelling. As per the Code of the Town/Village of Harrison §235-26 C.(6) Fences on through lots, as defined by this Code, may be up to 6' 6" high in the front yard that is not used as the primary assess to the dwelling only if: a)The fence is installed in that portion of the required front yard that lies between the nearest rear wall of the dwelling and the rear lot line. b) The fence is set back a minimum of five feet from the rear lot line. c)Appropriate ornamental planting or natural buffer is provided in the form of plant material approved by: 1)The Building Inspector for a proposed fence that is not part of site plan review or subdivision approval. 2) The Planning Board pursuant to § 204 for a proposed fence that is part of a subdivision application. 3) The Planning Board pursuant to § 235-71 for a proposed fence that is part of a site plan application. The proposed replacement fence requires two variances: *1) The proposed 6' high fence on the property line along Polly Park Road; thus requiring a variance of 5' for the setback from the rear lot line. 2) The proposed 6' high fence on the property line along Polly Park Road; thus requiring a variance of 2' in height; 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 May 9, 2019 and June 13, 2019, 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, Steven Lowenthal, Thomas Foristel, William Harold and Michael Tiesi; and

*Z20-021
Rosanelli
11/12/2020*

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. 888-0101 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, as well as the neighbor of 2 Belmont Avenue, 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 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 an area 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, Section 267-a and 267-b and Harrison Town Code Section 235-56, et seq., it has jurisdiction to consider the requested variances.

The Board found that:

1. The subject property considered to have two front yards. The home is located on a Park Drive North and backs up to Polly Park Road.
2. The wood fence that is the subject of this application is along Polly Park Road. It is installed the same elevation as the stone wall; and has been in the same location for approximately 60 years.
3. There was one neighbor who appeared in favor of the application.

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Rosanelli
11/12/2020

NOW THEREFORE BE IT RESOLVED, that the application for a variance to replace an existing 6 foot height fence along Polly Park Road be, and hereby is 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.

Foregoing Resolution submitted by Zoning Board Member Ernest Fiore, seconded by Zoning Board Member Michael Tiesi, at the meeting on November 12, 2020.

ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: Steven Lowenthal, Thomas Foristel

Rosemarie Lusumano
Secretary, Board of Zoning Appeals

Paul Katz
Acting Chairman, Board of Zoning Appeals

THIS IS NOT A BUILDING PERMIT. A Building Permit must be obtained from the Building Inspector before any work is started. Other permits or approvals may also be required before work starts. If you have any questions, please call the Building Department.

RECEIVED
TOWN CLERK
11/12/2020

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Z20-021
Rosanelli
11/12/2020

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

Calendar No. Z20-022

Date: November 12, 2020

Property Owner: Stoneleigh Manor LLC

Property Address: 10 Stoneleigh Manor Lane

Block 641, Lot 133

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, Hart Howerton Architecture filed an application on September 17, 2020 on behalf of Stoneleigh Manor, LLC for a variance for a new half-court basketball court. This property is located in an R-2 Zoning District and pursuant to §235-9B of the Table of Dimensional Regulations of the Zoning Ordinance of the Town/Village of Harrison the minimum required side yard setback is 50 feet. *The proposed storage shed, outdoor shower and half basketball court encroach into the side yard setback with the basketball court being the closest encroachment indicating a side yard setback of 21 feet; thus requiring a variance of 29 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 8, 2020 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were either present at the meeting: Paul Katz, Ernest Fiore, Steven Lowenthal, Tom Foristel, William Harold, Michael Tiesi and Tom 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:

*Z20-022
Stoneleigh Manor LLC
11/12/2020*

- (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 proposed half basketball court and accessory structures would only be visible to one neighbor whose property is located on the rear right-hand side of the applicant's property.
2. That there was extensive shrubbery and arborvitae between the applicant's property and the neighboring property to the right so as to provide adequate privacy.
3. That said neighbor's property to the right of the applicant property contained a tennis court near the boundary line with the applicant property that was itself the recipient of an area variance.
4. There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for permission to construct a pool house within the required front yard setback as indicated in the plans submitted with this application be, and the same is hereby granted subject to the following.

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.

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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 Zoning Board Member William Harold, seconded by Zoning Board Member Thomas Haynes at the November 12, 2020 meeting.

ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: Steven Lowenthal, Thomas Foristel


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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Z20-022
Stoneleigh Manor LLC
11/17/2020