

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, April 8, 2021 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
Thomas Foristel
William Harold
Michael Tiesi
Thomas Haynes

Members Absent

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>
Z21-004	Harrison Real Estate Group, LLC	131	17	Extension Granted
Z21-005	Angelo Meimeteas	512	6	Variance Granted
Z21-006	Purchase Realty Group LLC	961	23	Heard – Closed – Findings being prepared
Z21-007	104 Corporate Park Realty LLC	621	12	Extension Granted
Z21-008	Thompson Crozier	245	12	Heard – Closed – Findings being prepared
Z21-009	Rocco DiLuna	874	29.01	Heard – Closed – Findings being prepared
Z21-010	11 Purdy Group, LLC	171	36	Heard – Closed – Findings being prepared

The next meeting was scheduled to May 13, 2021

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

Jacqueline Khan

Town Clerk's Office

Rosemarie Cusumano

Rosemarie Cusumano, Secretary

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TOWN CLERK
HARRISON, N.Y.

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

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

Calendar No. Z21-005

Date: April 8, 2021

Property Owner: Angelo Meimeteas

Property Address: 130 Rye Ridge Road

Block 512 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, Angelo Meimeteas, filed an application on February 16, 2021 for an area variance from the Zoning Ordinance to install a 5 foot fence. This property is located in an R-1 Zoning District with 2 front yards (Rye Ridge Road and Pleasant Ridge Road). Pursuant to the Code of the Town/Village of Harrison §235-25 the application requires 2 variances: 1) As per §235-26 C (1): No fence or wall in a required front yard shall have a height greater than 4 feet. The proposed 5 foot high fence in the required front yard (40 feet) along Rye Ridge Road; *thus requiring a height variance of 1 foot.* 2) As per §235-26 C (6): Fences on through lots, as defined by the Code, may be up to 6 feet 6 inches high in the front yard that is not used as the primary access to the dwelling only if: (b) The fence is set back a minimum of 5 feet from the rear lot line. The proposed 5 feet high fence on the property line along Polly Park Road; *thus requiring a height variance of 1 foot; and*

WHEREAS, a Public Hearing on this application was duly scheduled and held by the Board of Zoning Appeals, held via Video Conference using the Platform Zoom, Harrison, New York, at 7:30 p.m., on March 11, 2021 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present at the meeting or indicated that they had listened to tapes of the meeting: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel, William Harold and 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. 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

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WHEREAS, Board Members had inspected the site; and

WHEREAS, at said Hearing, the applicant appeared in support of the variance and 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 Rye Ridge Road and backs up to Pleasant Ridge Road.
2. The proposed black chain link fence to be installed along Pleasant Ridge Road will be set back behind a row of existing trees. The portion of the proposed black chain link fence to be installed on the Rye Ridge Road to the left side of the house is at a lower elevation than the street and will not be visible. The portion of the proposed fence to the right of the house will be set back approximately 50 feet.
3. There were no objections from neighbors.
4. No undesirable change in the character of the neighborhood or detriment to nearby properties will be created by the granting of the variances.

NOW THEREFORE BE IT RESOLVED, that the application for a variance to install an black chain link fence 5 foot height fence along Rye Ridge Road and Pleasant Ridge Road be, and hereby is 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.

Foregoing Resolution submitted by Zoning Board Member Michael Tiesi, seconded by Zoning Board Member Steven Lowenthal, at the meeting on April 8, 2021.

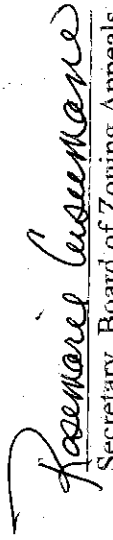
ADOPTED: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel, William Harold, Michael Tiesi and Thomas Haynes

AYES: None

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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