

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, December 9, 2021 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
Steven Lowenthal
Michael Tiesi
Thomas Haynes

Members Absent

Thomas Foristel
William Harold

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>
Z21-031	Sapna Arvind	201	30	Not Heard – Adjourned to the January Meeting
Z21-038	Chintan Shah	511	3	Variance Granted
Z21-041	Property 82 LLC	75	5	Heard – Closed – Findings being prepared

The next meeting was scheduled to January 13, 2022

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

Karla Gual
Town Clerk's Office

Rosemarie Cusumano
Rosemarie Cusumano, Secretary

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

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RECORDED

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

Calendar No. Z21-038

Date: December 9, 2021

Property Owner: Chintan Shah

Property Address: 620 North Street

Block 511 Lot 3

WHEREAS, the applicant, the property owner, filed plans to replace 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, Chintan Shah, filed an application on September 22, 2021 for an area variance from the Zoning Ordinance to legalize an existing fence along North Street. This property is located in an R-1 Zoning District and pursuant to the code of the Town/Village of Harrison §235-26 C.(1) No fence or wall in the required front yard shall have a height greater than 4 feet. The existing 6 foot high vinyl fence installed along North Street in the required front yard; *thus requiring a variance of 2 feet*. The minimum required front yard is 40 feet. The existing 6 foot high vinyl fence installed along the right side of the property line in the required front yard; *this requiring a variance of 2 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 November 11, 2021, after due notice and publication pursuant to Town Law 267-a(7) at which the following members were present: 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. 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, 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

*Z21-038
Shah
12/9/2021*

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 is located very close to the 5 corners of North Street, Rye Ridge Road, Pleasant Ridge Road and Polly Park Road. North Street is also NY State Route 127 which is very busy, particularly during rush hour. The subject property is next to the police station and close to the ramp of the Hutchinson River Parkway.
2. The vinyl fence that is the subject of this application is along North Street. It is installed the same location as the previous wooden stockade fence that has been in the same location for approximately 15 or more years.
3. There were no objections from any of the neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for a variance to legalize an existing 6 foot height fence along North Street 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 Steven Lowenthal, seconded by Zoning Board Member Ernest Fiore, at the meeting on December 9, 2021.

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ADOPTED:

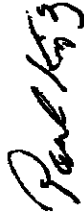
AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, Michael Tiesi and
Thomas Haynes

NAYS: None

ABSTAINED: None

ABSENT: Thomas Foristel and William Harold


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.

RECEIVED

2021 DEC 10 PM 2:06

CLERK OF
CITY OF BOSTON

Z21-038
Shah
12/9/2021