ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, February 10, 2022 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 7:30 p.m.

Cal. #	Applicant	Block	Lot	Decision
Z21-031	Sapna Arvind	201	30	Heard – Application Withdrawn
Z21-039	Karen Siegal	641	103	Variance Granted
Z21-433	Robin Zeidel	213	127	Variance Granted
Z21-044	Taryn Mackinnon	545	91	Re-Opened – Heard – Adjourned
Z22-001	Peter Kalikow	641	23	Heard – Closed – Findings being prepared

The next meeting was scheduled to March 10, 2022

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

Rosemarie Cusumano
Rosemarie Cusumano, Secretary

Kayla Jarvis, Deputy
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 Z21-039 Date: February 10, 2022

Property Owner: Karen Siegel

Property Address: 3 Mayfair Circle Block 641 Lot 103

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, Michel Gunn, filed an application on behalf of the property owner of 3 Mayfair Circle, Karen Siegel, on September 27, 2021 for a variance from the Zoning Ordinance to legalize an existing generator. This property is located in an R-2 Zoning District and is part of the Lincoln Rise Subdivision a cluster development. Pursuant to the Code of the Town/Village of Harrison §235-9B of the Table of Dimensional Regulations: The minimum required side yard setback is 20 feet. The generator has been installed with a side yard setback of 10 feet; ***thus requiring a variance of 10 feet***; and

WHEREAS, a Public Hearing on this application was duly scheduled and held by the Board of Zoning Appeals, via the Platform Zoom, Harrison, New York, at 7:30 p.m., on January 13, 2022, 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, §§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 located on a private road.

B) The existing generator is installed in a location on the property that has existing ac condensers.

C) The installation does not change the character of the neighborhood.

D) There were no objections from adjacent neighbors.

E) Based on the owner manual, the unit is of a quiet operation level type and would minimize any noise disturbance.

NOW THEREFORE BE IT RESOLVED, that the application for legalization of an existing generator unit 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.

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.

Z21-039
Siegel
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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 Zoning Board Member Ernest Fiore, seconded by Zoning Board Member Michael Tiesi at the February 10, 2022 meeting.

ADOPTED:

AYES:	Paul Katz, Ernest Fiore, Steven Lowenthal, William Harold, Michael Tiesi and Thomas Haynes
NAYS:	None
ABSTAINED:	None
ABSENT:	Thomas Foristel

Rosemarie Cusumano
Secretary, Board of Zoning Appeals

Paul Katz
Chairman, Board of Zoning Appeals

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

Calendar Z21-043 Date: February 10, 2022

Property Owner: Robin Zeidel

Property Address: 2 Willets Road Block 213 Lot 127

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, Andrew Spatz, Attorney, filed an application on behalf of the property owner of 2 Willets Road, Robin Zeidel, on December 17, 2021 for a variance from the Zoning Ordinance to legalize an existing sport court. This property is located in an R-1/3 Zoning District with 2 front yards (Willets Road and South Road). The property is legally existing non-conforming with regard to the front yard setback (27.23 feet adjacent to South Road) and the side yard setback (10.85 feet). Pursuant to the Code of the Town/Village of Harrison §235-18 B (2) "Placement of Accessory Structures" and §235-9 B the "Table of Dimensional Regulations" the Sports Court will require 2 variances: **1)** Pursuant to §235-18 B (2) The required front yard setback for an Accessory Structure is 75 feet. The Sports Court has been constructed with a front yard setback of 14.09 feet from South Road; ***thus requiring a variance of 60.91 feet.*** **2)** Pursuant to §235-9 B The minimum setback from the property line in the required rear yard is 10 feet. The Sports Court has been constructed with a setback of 3.58 feet; ***thus requiring a variance of 6.32 feet***; and

WHEREAS, a Public Hearing on this application was duly scheduled and held by the Board of Zoning Appeals, via the Platform Zoom, Harrison, New York, at 7:30 p.m., on January 13, 2022, 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, §§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 neighbors appeared in favor as well. 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 located on a corner lot and is considered to have two front yards.

B) The existing sport court has been in its current location for approximately 15 years.

C) The existing sport court is installed in a location on the property that is screened with mature arborvitaes and a fence along South Road.

D) The sport court is at a lower elevation than the rear yard neighbor which is located on Meadow Road and is densely screened with row of mature arborvitaes and a vinyl stockade fence along the property line on 2 Willets Road making it non-visible from the view of the neighbor.

E) The sport court is constructed of porous vinyl, interlocking 12 inch square panels and installed on crushed gravel which is pervious allowing water to penetrate.

F) The installation does not change the character of the neighborhood.

G) There were no objections from the adjacent neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for legalization of an existing sport court 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.

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 February 10, 2022 meeting.

ADOPTED:

AYES:	Paul Katz, Ernest Fiore, Steven Lowenthal, William Harold, Michael Tiesi and Thomas Haynes
NAYS:	None
ABSTAINED:	None
ABSENT:	Thomas Foristel

Rosemarie Cusumano
Secretary, Board of Zoning Appeals

Paul Katz
Chairman, Board of Zoning Appeals

Z21-043
Zeidel
2/10/2022