

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, March 10, 2022 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

William Harold
Thomas Foristel

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>
Z21-044	Taryn Mackinnon	545	91	Not Heard – Adjourned to April
Z22-001	Peter Kalikow	641	23	Variance Granted
Z22-002	Kasia Stevens	247	21	Heard – Closed – Findings being prepared
Z22-004	Vincent Giordano	92	31	Heard – Closed – Findings being prepared
Z22-005	Vincent Giordano	92	31	Heard – Closed – Findings being prepared
Z22-006	Cosmo Micalone	375	6	Heard – Closed – Findings being prepared

The next meeting was scheduled to April 13, 2022

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

Kathy Guro
Town Clerk's Office

Rosemarie Cusumano
Rosemarie Cusumano, Secretary

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

APR 13 2022
2022 MAR 10 PM 7:30
HARRISON NY

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

Calendar No. Z22-001

Date: March 10, 2022

Property Owner: Peter S. Kalikow

Property Address: 7 Edgewood Lane

Block 0641 Lot 23

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, Peter S. Kalikow, filed an application on January 14, 2022 for a variance from the Zoning Ordinance to construct an art barn at the premises located in an R-2 Zoning District. The Code of the Town/Village of Harrison, Sec 235-9B Table of Dimensional Regulations requires a 15' maximum height for an accessory structure. The proposed art barn calls for a height of 23' thus requiring a variance of 8'; and

WHEREAS, a Public Hearing on this application was duly scheduled and held by the Board of Zoning Appeals, via Zoom, at 7:30 p.m., on February 10, 2022 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present: Paul Katz, Ernest Fiore, William Harrold, Michael Tiesi, Steve Lowenthal, Thomas Foristel and Thomas Haines

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;

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- (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 majority of the property is maintained as a combination of open and planted green space.
- B) The art barn studio would be located at a significant distance from all boundaries of the property.
- C) There will be ample screening from the neighbor to the east by trees along the property line.
- D) The building has been designed to evoke the style of the historical barns of the Purchase area, and will blend in with the existing character of the neighborhood.
- E) There were no objections from neighbors.
- F) The art barn studio does not have a negative impact on the neighborhood.

NOW THEREFORE BE IT RESOLVED, that the application for permission to construct an art barn 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

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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 Ernest Fiore, seconded by Steven Lowenthal at the March 10, 2022 meeting.

ADOPTED:

AYES: Ernest Fiore, Steven Lowenthal, Thomas Foristel and Michael Tiesi

NAYS: Paul Katz

ABSTAINED: None

ABSENT: William Harold and Thomas Haynes

Rosemarie Casemore
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.

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