

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, July 14, 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
William Harold
Michael Tiesi
Thomas Haynes

Members Absent

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>
Z22-017	Anthony & Gina Cerone	981	50	Variance Granted
Z22-018	Mary Ann Sullivan	542	1	Variance Granted
Z22-019	Brian & Rose Gillen	892	11	Variance Granted
Z22-020	Brooke Zarkowsky	951	88	Variance Granted
Z22-021	John & Grace Harris	642	2	Variance Granted
Z22-022	Marc Lust	302	90	Variance Granted
Z22-023	Joseph & Alice Torre	508	55	Heard – Closed – Extension Granted
Z22-025	Luciano Pieretti	292	23	Not Heard
Z22-026	Frank Bardani	672	26	Heard – Adjourned to the August Meeting
Z22-027	Nelson Gaertner, Jr.	961	12	Heard – Closed – Finding Being prepared
Z22-028	Ronald Bobman & Judie Lifton	601	46	Heard – Closed – Findings Being prepared

The next meeting was scheduled to August 11, 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
HARRISON, NY
TOWN CLERK

Mary Ann Sullivan
Town Clerk's Office
2022 JUL 18 P 2:56
HARRISON, NY

THE FORMAL RECORD OF THE ABOVE ~~MEETING~~ ARE THE TAPES THEREOF.

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

Calendar No. Z22-017

Date: July 14, 2022

Property Owner: Anthony and Gina Cerone

Property Address: 4300 Purchase Street

Block 981 Lot 50

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, Daniel Collins on behalf of the property owner, Anthony and Gina Cerone filed an application on May 13, 2022 for a variance from the Zoning Ordinance to subdivide the property to create 1 new additional lot at 4300 Purchase Street. This property is located in an R-2 Zoning District and pursuant to §235-33 of the Zoning Ordinance of the Town/Village of Harrison; Titled Minimum front lot line width of residential lots. The minimum lot width at the front lot line in any residence district shall be not less than 75% of the required lot width at the required minimum front yard depth, but in no case shall it be less than 50 feet. Pursuant to §235-4 Titled Definitions of the Zoning Ordinance of the Town/Village of Harrison. Lot width is the dimension measured from side lot line to side lot line along a line parallel to the street line at the required minimum front yard depth. The minimum required lot width shall be maintained from the minimum front yard setback for a distance of not less than 35 feet toward the rear lot line. This application requires 2 variances: **1)** The required lot width at the front yard setback is 200 feet. The proposed front lot width at the required front yard setback is approximately 25 feet; **thus requiring a variance of 150 feet. 2)** The minimum required front lot width at the front lot line is required to be 150 feet. The proposed front lot width is 107 feet; **thus requiring a variance of 43 feet. This was referred by the Planning Board with a positive recommendation;** 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 June 9, 2022, after due notice and publication pursuant to Town Law 267-a (7) at which the following members were either present in person or indicated that they had listened to tapes of the Hearing: Paul Katz, Ernest Fiore, Steven Lowenthal, Tom 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

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Cerone

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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 at 4300 Purchase Street and is in an R-2 zoning district and the granting of the subdivision will create a flag lot off Purchase Street.
- B) The new lot will have no apparent detriment to the surrounding properties or the neighborhood since it backs up to vacant land.
- C) The granting of the required lot width at the front yard setback and the minimum required front lot width at the front lot line variance will not change character of the neighborhood
- D) There were no objections from any of the neighbors.

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E) The proposed subdivision has been referred to this Board with a positive recommendation from the Planning Board.

NOW THEREFORE BE IT RESOLVED, that the application for permission to subdivide the property and create one addition residential lot 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.

Foregoing Resolution submitted by Zoning Board Member Michael Tiesi, seconded by Zoning Board Member Steve Lowenthal at the July 14, 2022 meeting.

ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: Thomas Foristel


Secretary, Board of Zoning Appeals



Acting Chairman, Board of Zoning Appeals

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2022 JUL 18 P 2:55

TOWN CLERK
HARRISON, NY

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.

Z22-017
Cerone
7/14/2022

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

Calendar No. Z22-018

Date: July 14, 2022

Property Owner: Mary Ann Sullivan

Property Address: 10 Park Drive North

Block 542 Lot 1

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, Mary Ann Sullivan filed an application on May 16, 2022 for a variance from the Zoning Ordinance to legalize and existing generator at 10 Park Drive North. This property is located in an R-1 Zoning District and is legally existing non-conforming with regards to the left side yard setback of 12.3 feet. Pursuant to the Code of the Town/Village of Harrison §235-9B of the Table of Dimensional Regulations the minimum setback from the property line in the required rear yard is 15 feet. The generator has been installed in the required rear yard setback 11.2 feet; ***thus requiring a variance of 3.8 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 June 9, 2022, after due notice and publication pursuant to Town Law 267-a (7) at which the following members were either present in person or indicated that they had listened to tapes of the Hearing: Paul Katz, Ernest Fiore, Steven Lowenthal, Tom 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:

Z22-018

Sullivan

7/14/2022

- (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 at 10 Park Drive North and is in an R-1 zoning district and is considered to have two front yards. It is legally existing non-conforming with regards to the left side yard setback.
- B) The existing generator is screened from the adjoining neighbor and will have no apparent detriment to the surrounding properties or the neighborhood.
- C) There were no objections from any of the neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for permission to legalize and existing generator 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.

Foregoing Resolution submitted by Zoning Board Member Ernest Fiore, seconded by Zoning Board Member William Harold at the July 14, 2022 meeting.

Z22-018

Sullivan

7/14/2022

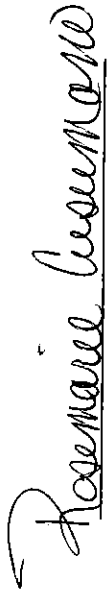
ADOPTED:

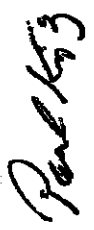
AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, William Harold,
Michael Tiesi and Thomas Haynes

NAYS: None

ABSTAINED: None

ABSENT: 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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TOWN CLERK
HARRISON, NY

Z22-018
Sullivan
7/14/2022

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

Calendar No. Z22-019

Date: July 14, 2022

Property Owner: Brian and Rose Gillen

Property Address: 166 Park Avenue

Block 892 Lot 11

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, Brian and Rose Gillen filed an application on May 16, 2022 for a variance from the Zoning Ordinance to appeal Section 143-28-B Sprinkler System Ordinance for property located at 164-166 Park Avenue. This property is located in a B Zoning District and pursuant to §143-28-B Titled Buildings required to have fire sprinkler systems of the Local Ordinance of the Town/Village of Harrison. Any construction or renovation to an existing structure, or extension or increase in floor area or height of a building, or reconstruction or renewal of any part of an existing building for the purpose of its maintenance, or any combination thereof within a two-year period which exceeds 50% of a building's existing gross floor area, the entire building except for crawl spaces shall be equipped with a fire sprinkler system installed in accordance with all of the provision of this article. The meaning of the words used in this section shall be the same as those used in the then current version of the Building Code of New York State. The Addition/Alteration was required to have a fire sprinkler system installed throughout the entire structure, the system was never installed; *thus per 143-31-D the owner is seeking a variance*; 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 June 9, 2022, after due notice and publication pursuant to Town Law 267-a (7) at which the following members were either present in person or indicated that they had listened to tapes of the Hearing: Paul Katz, Ernest Fiore, Steven Lowenthal, Tom 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

Z22-019
Gillen
7/14/2022

WHEREAS, at said Hearing, the applicant appeared in support of the variance and one person 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 at 164-166 Park Avenue and is in a B zoning district and was built in 1936.
- B) The addition over the existing garage is more than 50% of the existing gloss floor area; thus requiring to have a fire sprinkler system installed throughout the entire structure.
- C) The building permit for the addition was received on June 16, 2020. There were 8 inspections done by the building department for the new addition. It was not discovered that the sprinkler system was not installed until the walls were already closed up.
- D) The applicant is required to install a robust fire alarm system in both houses that will require direct communications with an alarm company or direct to the police or fire department as agreed by the applicant and the Board.

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Gillen
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- E) The applicant is required to install one fire extinguisher on each floor including one in the attic, basement, garage and in the kitchen in both houses.
- F) The fact that sprinkles will not be installed in the two-family home will have no apparent detriment to the surrounding properties or the neighborhood.
- G) There was one objection from someone in the audience.

NOW THEREFORE BE IT RESOLVED, that the application for permission to appeal Section 143-28-B Sprinkler System Ordinance as indicated in this application be, and the same is hereby granted.

Foregoing Resolution submitted by Zoning Board Member William Harold, seconded by Zoning Board Member Ernest Fiore at the July 14, 2022 meeting.

ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: Thomas Foristel

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TOWN CLERK
HARRISON, NY

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.

Z22-019
Gillen
7/14/2022

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

Calendar No. Z22-020

Date: July 14, 2022

Property Owner: Brooke Zarkowsky

Property Address: 3 Fairway Drive

Block 951 Lot 88

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, Justin Minieri on behalf of the property owner, Brooke Zarkowsky filed an application on May 17, 2022 for a variance from the Zoning Ordinance to permit a one story addition at 3 Fairway Drive. This property is located in an R-1 Zoning District and pursuant to §235-9B of the Table of Dimensional Regulation of the Town/Village of Harrison the rear yard setback is 50 feet and §235-9B the required lot coverage is 15%. The Rear Yard Addition will require 2 variances: 1) The one story rear yard addition reduces the rear yard setback to 45.5 feet; ***thus requiring a 4.5 foot variance.*** 2) The existing lot coverage is 15.30%, the proposed lot coverage is 15.98%; ***thus requiring a variance of .68%***; 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 June 9, 2022, after due notice and publication pursuant to Town Law 267-a (7) at which the following members were either present in person or indicated that they had listened to tapes of the Hearing: Paul Katz, Ernest Fiore, Steven Lowenthal, Tom 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 Architect 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

Z22-020
Zarkowsky
7/14/2022

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 at 3 Fairway Drive and is in an R-1 zoning district.
The property also fronts on two streets, Fairway Drive and Cedar Lane.
- B) The rear addition will have no apparent detriment to the surrounding properties or the neighborhood.
- C) The character of the neighborhood would not change.
- D) There were no objections from any of the neighbors.
- E) The location of the proposed addition is heavily screened from the rear yard neighbor.

NOW THEREFORE BE IT RESOLVED, that the application for permission for a rear yard addition 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.

Z22-020

Zarkowsky

7/14/2022

This variance shall lapse unless construction begins within two years from the date this variance is recorded in the Clerk's Office and is completed no more than four 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 Ernest Fiore, seconded by Zoning Board Member Michael Tiesi at the July 14, 2022 meeting.

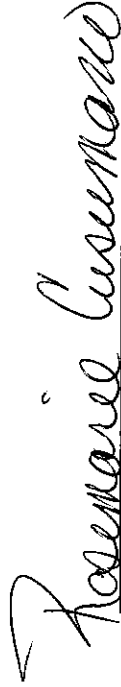
ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: Thomas Foristel


Secretary, Board of Zoning Appeals



Acting Chairman, Board of Zoning Appeals

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2022 JUL 18 P 3:00

TOWN CLERK
HARRISON, NY

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

Z22-020
Zarkowsky
7/14/2022

also be required before work starts. If you have any questions, please call the Building Department.

Z22-020
Zarkowsky
7/14/2022

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

Calendar No. Z22-021

Date: July 14, 2022

Property Owner: John and Grace Harris

Property Address: 2 Beverly Road

Block 642 Lot 2

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, Steve Wrabel on behalf of the property owner, John and Grace Harris filed an application on May 17, 2022 for a variance from the Zoning Ordinance to permit a four foot split rail fence with plantings in the 100 foot buffer along Purchase Street at 2 Beverly Road. This property is located in an R-1 Zoning District and is a corner lot (Beverly Road and Purchase Street). Pursuant to the Code of the Town/Village of Harrison §235-24.1.B Minimum buffer setback of 100 feet shall be established along each of the following roadways: Purchase St, Barnes Ln, Lincoln Ave, Cottage Ave and Anderson Hill Rd. This setback shall be maintained in its natural state or landscaped in accordance with the determination of the Planning Board, and shall be maintained by the property owner. Except where approved street or streets cross such buffer setback areas, a permanent open space preservation easement may be required by the Planning Board prior to the granting of any building permit for any development abutting any of Purchase St, Barnes Ln, Lincoln Ave, Cottage Ave and Anderson Hill Rd. The proposed 4 foot high post and rail fence setback 9 feet from the property line adjacent to Purchase Street; ***thus requiring a variance of 91 feet. This was referred by the Planning Board with a positive recommendation;*** 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 June 9, 2022, after due notice and publication pursuant to Town Law 267-a (7) at which the following members were either present in person or indicated that they had listened to tapes of the Hearing: Paul Katz, Ernest Fiore, Steven Lowenthal, Tom 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

Z22-021
Harris
7/14/2022

WHEREAS, Board Members had inspected the site; and

WHEREAS, at said Hearing, the Architect 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 at 2 Beverly Road and is in an R-1 zoning district.
The property also fronts on two streets, Beverly Road and Purchase Street.
- B) The applicant appeared before the Planning Board to create a plan that is suitable for the special Purchase Street buffer.
- C) The four-foot split rail fence with wire mesh and screening will have no apparent detriment to the surrounding properties or the neighborhood.
- D) The character of the neighborhood would not change.
- E) There were no objections from any of the neighbors.

Z22-021
Harris
7/14/2022

F) The proposed fence has been referred to this Board with a positive recommendation from the Planning Board.

NOW THEREFORE BE IT RESOLVED, that the application for permission for a four foot split rail fence with plantings in the 100 foot buffer along Purchase Street 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 two years from the date this variance is recorded in the Clerk's Office and is completed no more than four 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 Steven Lowenthal, seconded by Zoning Board Member William Harold at the July 14, 2022 meeting.

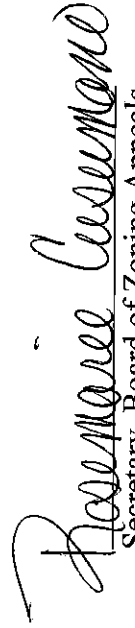
ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: Thomas Foristel


Secretary, Board of Zoning Appeals
Z22-021
Harris
7/14/2022

Paul Kriz

Acting Chairman, Board of Zoning Appeals

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

Calendar No. Z22-022

Date: July 14, 2022

Property Owner: Marc Lust

Property Address: 3 Westwood Court

Block 302 Lot 90

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, Steve Wrabel on behalf of the property owner, Marc Lust filed an application on May 17, 2022 for a variance from the Zoning Ordinance to permit a swimming pool within 50 feet from a stream at 3 Westwood Court. This property is located in an R ½ Zoning District and pursuant to the Code of the Town/Village of Harrison §235-31 A. Except in the R-75, B and MF Residence District and in the PB, NB, CBD and MFR Business Districts, all buildings and structures shall be set back at least 50 feet from the seasonal high water level water's edge or established channel lines of streams and other water bodies, as established by the Town Board. Where such lines have not been established by the Town Board, reference shall be made to those established by other governmental bodies such as the state, county, Soil Conservation Service or United States Department of Housing and Urban Development, Federal Insurance Administration. The proposed Pool, Spa and Pool Deck with a setback of 6.82 feet from the stream; *thus requiring a variance of 43.18 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 June 9, 2022, after due notice and publication pursuant to Town Law 267-a (7) at which the following members were either present in person or indicated that they had listened to tapes of the Hearing: Paul Katz, Ernest Fiore, Steven Lowenthal, Tom 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

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WHEREAS, at said Hearing, the Architect 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 at 3 Westwood Court and is in an R-1/2 zoning district.
- B) The property is a unique shape and the location of the stream does not allow the pool to be situated outside of the 50 foot setback area.
- C) The inground pool and spa will have no apparent detriment to the surrounding properties or the neighborhood.
- D) The character of the neighborhood would not change.
- E) There were no objections from any of the neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for permission for a inground pool and spa within the 50 foot setback from a stream as indicated in the plans submitted with this application be, and the same is hereby granted.

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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.

This variance shall lapse unless construction begins within two years from the date this variance is recorded in the Clerk's Office and is completed no more than four 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 Steven Lowenthal at the July 14, 2022 meeting.

ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: Thomas Foristel

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Secretary, Board of Zoning Appeals

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