

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, October 13, 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
Thomas Foristel
Michael Tiesi
Thomas Haynes

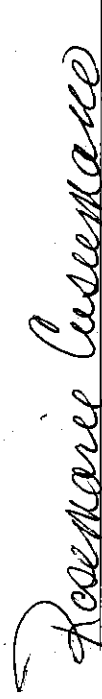
Members Absent
William Harold

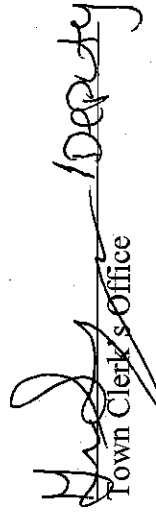
The Chairman called the meeting to order at 7:30 p.m.

<u>Cal. #</u>	<u>Applicant</u>	<u>Block</u>	<u>Lot</u>	<u>Decision</u>
Z22-029	Alison Antanasio	611	19	Variance Denied
Z22-030	Rogelio Lobo	545	45	Variance Granted
Z2-032	Gloria Fernau & Alison Ganassi	691	117	Variance Granted
Z22-033	Reynaldo Roisenvit	545	90	Variance Granted
Z22-035	Elk Homes, LLC	191	1	Variance Granted
Z22-036	Mt. Pleasant Avenue Associates, LLC	171	37	Extension Granted for 2 Years
Z22-038	Sean Meegan	253	10	Heard – Closed – Findings being prepared
Z22-040	Frank Rubino	1001	63	Heard – Closed – Findings being prepared

The next meeting was scheduled to November 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, Secretary


Deputy
Town Clerk's Office

TOWN CLERK
HARRISON, NY

THE FORMAL RECORD OF THE ABOVE ~~MEETING~~ ^{MEETING} ARE THE TAPES THEREOF.

RECEIVED

BOARD OF ZONING APPEALS

TOWN/VILLAGE OF HARRISON, NEW YORK

Calendar No. Z22-029

Date: October 13, 2022

Property Owner: Alison Antanasio

Property Address: 25 Westerleigh Road

Block 611, Lot 19

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, John DiLuna, filed an application on behalf of Alison Antanasio on July 11, 2022 for a variance from the Zoning Ordinance to install 6 new air conditioning condensers in the location of 2 existing condensers at the premises located in an R-2.5 Zoning District and pursuant to the Code of the Town/Village of Harrison §235-9 B of the Table of Dimensional Regulations the minimum required side yard setback is 50 feet. The proposed 6 air conditioning condensers in the required side yard with a side yard setback of 27feet; ***thus requiring a variance of 23 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 September 8, 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

Z22-029
Antanasio
10/13/2022

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 in an R-2.5 Zoning District and is an oversized lot with 3.3 acres.
- B) The proposed six new air conditioning condensers within the required side yard setback would have an apparent detriment to the neighbor at 37 Westerleigh Road.
- C) There were two letters in objection from neighbors.

NOW THEREFORE BE IT RESOLVED that the application for variance be, and it hereby is, denied.

Foregoing Resolution submitted by Zoning Board Member Michael Tiesi, seconded by Zoning Board Member Steven Lowenthal at the October 13, 2022 meeting.

ADOPTED:

AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, Thomas Foristel,

Z22-029
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10/13/2022

Michael Tiesi and Thomas Haynes

NAYS: None

ABSTAINED: None

ABSENT: William Harold

Rosemarie Cusec-Mano

Secretary, Board of Zoning Appeals

Paul King

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.

TOWN CLERK
HARRISON, NY

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Z22-029
Antanasio
10/13/2022

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

Calendar No. Z22-030

Date: October 13, 2022

Property Owner: Roger Lobo

Property Address: 1 Woodside Lane

Block 545 Lot 45

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, Michael Cardosa filed an application on behalf of Roger Lobo on July 6, 2022 for a variance from the Zoning Ordinance to install a generator at 1 Woodside Lane. This property is located in an R-1 Zoning District with 2 front yards (Woodside Lane and Pheasant Drive) and pursuant to the Code of the Town/Village of Harrison §235-9 B of the Table of Dimensional Regulations the minimum required front yard is 40 feet. The proposed generator with a front yard setback from Pheasant Drive is 37.9 feet; *thus requiring a variance of 2.1 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 September 8, 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:

Z22-030
Lobo
10/13/2022

- (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 1 Woodside Lane and is in an R-1 zoning district and is considered to have two front yards (Woodside Lane and Pheasant Drive).
- B) The proposed generator location 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 install a 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 Thomas Haynes, seconded by Zoning Board Member Thomas Foristel at the October 13, 2022 meeting.

Z22-030

Lobo

10/13/2022

ADOPTED:

AYES:

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

NAYS:

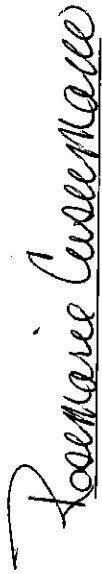
None

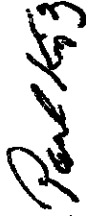
ABSTAINED:

None

ABSENT:

William Harold


Secretary, Board of Zoning Appeals



Acting Chairman, Board of Zoning Appeals

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Z22-030
Lobo
10/13/2022

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TOWN CLERK
HARRISON, NY
RECEIVED

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

Calendar No. Z22-032

Date: October 13, 2021

Property Owner: Gloria Fernau and Alison Ganassi

Property Address: 36 High Street

Block 691 Lot 117

WHEREAS, the applicant, the property owner, filed plans for a proposed in-ground pool 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, Stephen Marchesani filed an application on August 5, 2022 on behalf of Gloria Fernau and Alison Ganassi for a variance from the Zoning Ordinance to construct a swimming pool located at 36 High Street. This property is located in an R-1/3 Zoning District and is a corner lot and pursuant to §235-28 Swimming Pools: No swimming pool shall be located within 75 feet of the front property line and 20 feet of side and rear property lines. The proposed swimming pool requires 2 variances. 1) The required front yard setback is 75 feet; the proposed swimming pool setback is 50 feet; ***thus requiring a 25 foot variance.*** 2) The required rear yard setback is 20 feet; the proposed swimming pool setback is 15 feet; ***thus requiring a 5 foot 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 September 8, 2022 after due notice and publication pursuant to Town Law 267-a (7) at which the following members were either present or indicated that they had listened to tapes of the meeting: Paul Katz, Ernest Fiore, Steve Lowenthal, Thomas Foristel, William Harrold, 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:

*Z22-032
Fernau & Ganassi
10/13/2022*

- (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) There would be no apparent detriment to the surrounding properties or the neighborhood.
- B) The character of the neighborhood would not change.
- C) There were no objections from any of the neighbors.
- D) The applicant submitted a planting plan prepared by SMM Architect PLLC dated October 19, 2021 showing 5 7-8 foot arborvitae.
- E) The lot is considered to have two front yards which has different setbacks than an interior lot.

NOW THEREFORE BE IT RESOLVED, that the application for front yard variance and a setback variance from the property line along High Street, to allow construction of a swimming pool as indicated in the plans submitted with this application be, and the same is hereby granted, subject to the following:

These variances are specifically conditioned on implementation, and continued maintenance of the screening plan provided in the plans, dated October 19, 2021, prepared by SMM Architect PLLC that were filed with this application.

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.

Z22-032
Fernau & Ganassi
10/13/2022

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 Michael Tiesi, seconded by Zoning Board Member Thomas Foristel at the October 13, 2022 meeting.

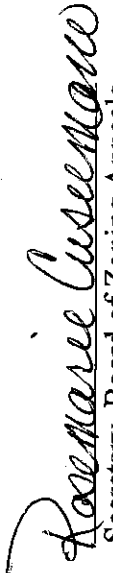
ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: William Harold


Secretary, Board of Zoning Appeals



Acting Chairman, Board of Zoning Appeals

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TOWN CLERK
HARRISON, NY

2022 OCT 14 A 11: 26

Z22-032
Fernau & Ganassi
10/13/2022

RECEIVED

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

Calendar Z22-033

Date: October 13, 2022

Property Owner: Reynaldo Roisenvit

Property Address: 12 Flagler Drive

Block 545 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, Paul J. Noto, Esq. filed an application on behalf of the property owner Reynaldo Roisenvit, on August 15, 2022 for a variance from the Zoning Ordinance to legalize a terrace and exterior stair case within 50 feet of a pond. This property is located in an R-1 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 District, 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. A Terrace and an Exterior Staircase has been constructed with a setback for the edge of the pond of 26 feet; *thus requiring a variance of 24 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, February 10, 2022, April 13, 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 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

Z22-033
Roisenvit
10/25/2022

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 12 Flagler Drive in an R-1 Zoning District and is one of four homes which back up to the same pond.
- B) The new exterior stairs and the addition to the terrace that holds the structure for the stairs connects to the pre-existing terrace.
- C) The new exterior stairs and addition to the terrace does not change the character of the neighborhood.
- D) There were no objections from any of the neighbors.

NOW THEREFORE BE IT RESOLVED, that the application to legalize an existing terrace and exterior stairs 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.

Z22-033
Roiservit
10/25/2022

Foregoing Resolution submitted by Zoning Board Member Michael Tiesi, seconded by Zoning Board Member Thomas Foristel at the October 13, 2022 meeting.

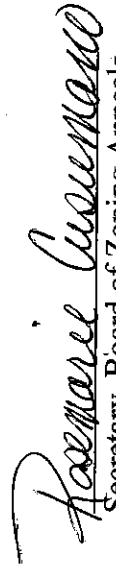
ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: William Harold


Secretary, Board of Zoning Appeals



Acting Chairman, Board of Zoning Appeals

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TOWN CLERK
HARRISON, NY

2022 OCT 14 A 11:27

Z22-033
Roisenvit
10/25/2022

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

Calendar Z22-035

Date: October 13, 2022

Property Owner: JPMorgan Chase Bank National Association

Applicant: Elk Homes, LLC

Property Address: 402 Halstead Avenue Block 191 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, William S. Null, Esq. filed an application on behalf of Elk Homes, LLC, on August 15, 2022 for a variance from the Zoning Ordinance to demolish an existing one story bank and construct a 5-story multi-family building. This property is located in an MFR Zoning District. As per §235-9-B of the Table of Dimensional Regulations of the Town/Village of Harrison Zoning Ordinance the maximum allowable height is 4 stories at 45 feet. As per §235-35 Method of Determining Off-Street Parking the Property is located in a revitalization area therefore the parking requirements is 1.25 per dwelling unit. However §235-35 D allows for a 10 space waiver. The minimum aisle width based on the dimensions of the parking space provided as per §235-41-C would be 25 feet. As per §235-25-A Usable open space shall be provided on the site of multiple dwellings at a rate of 200 square feet per dwelling. Roofs and Balconies may be counted for 50% of such required usable open space. This application requires 4 Variances:

- 1) The proposed number of stories is 5; ***thus requiring a variance for 1 story.***
- 2) The proposed height is 58 feet; ***thus requiring a variance of 13 feet.***
- 3) The required parking spaces is 29 spaces. The applicant states they are providing 40 spaces. However the tandem parking spaces do not required aisle width between spaces of 25 feet therefore they can only count as one spot. Therefore the total provided is 27 spaces; ***thus requiring a variance of 2 spaces.***
- 4) The required usable open space is 6,200 square feet. There is 1,100 square feet provided on the ground and the roofs and balconies provide 5,317 square feet where 2,656.5 square feet of the roofs and balconies is permitted to be counted towards the usable open space. The total amount of usable open space provided is 3,756.5; ***thus a variance for the remaining required usable open space of 2,443.5 square feet is required; and***

Z22-035
Elk Homes, LLC
10/25/2022

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, February 10, 2022, April 13, 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 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:

Z22-035
Elk Homes, LLC
10/25/2022

- A) The property is located at 402 Halstead Avenue in an MFR Zoning District.
- B) The Board found that the proposed development of a new 31-unit, 5-story multi-family building with 40 on grade parking spaces is in keeping with the character of the neighborhood since it is adjacent to a 6-story apartment building with on grade parking and outdoor amenity's, commercial space, retail shopping center and other multi-family buildings.
- C) The proposed development does not change the character of the neighborhood.
- D) There were no objections from any of the neighbors.

NOW THEREFORE BE IT RESOLVED, that the application to demolish an existing one story bank and construct a 5-story multi-family building 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 Steven Lowenthal, seconded by Zoning Board Member Michael Tiesi at the October 13, 2022 meeting.

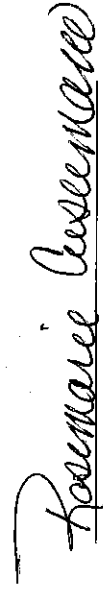
ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: William Harold


Secretary, Board of Zoning Appeals

Z22-035
Elk Homes, LLC
10/25/2022

Paul Koz

Acting Chairman, Board of Zoning Appeals

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Z22-035
Elk Homes, LLC
10/25/2022

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2022 OCT 14 A 11: 27

TOWN CLERK
HARRISON, NY