

ZONING BOARD OF APPEALS

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

Members Absent

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>
Z22-031	Jose Oreiro	910	86	Heard – Withdrawn
Z22-037	Joan Walsh	691	109	Heard – Closed – Findings being prepared
Z22-038	Sean & Elizabeth Meegan	253	10	Variance Granted
Z22-040	Frank Rubino	1001	63	Variance Granted
Z22-041	Javier Diaz	517	3	Heard – Adjourned to December
Z22-042	Salvatore Monastra	915	11	Heard – Closed – Findings being prepared
Z22-043	Facial & Oral Surgery Specialists	622	10	Heard – Closed – Findings being prepared
Z22-044	Clark Pager	951	22	Not Heard – Adjourned to December
Z22-045	Glenn Picco	314	10	Heard – Closed – Findings being prepared

The next meeting was scheduled to December 8, 2022

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

Jacqueline Sheer

Town Clerk's Office

L2 2 d h1 AON 1207

Rosemarie Cusumano

Rosemarie Cusumano, Secretary

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

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

Calendar No. Z22-038

Date: November 10, 2022

Property Owner: Sean & Elizabeth Meegan

Property Address: 29 Orchard Street
Harrison, New York 10528

Block 253 Lot 10

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, Mark Mustacato, Architect filed an application on August 17, 2022 on behalf of Sean & Elizabeth Meegan for area variance to legalize a new detached garage constructed one foot closer to Landolfe Place. This property is located in a R-50 Zoning District and is a legally existing non-conforming corner lot. The applicant is seeking to remove an existing non-conforming detached garage and construct a new detached two car garage. Due to the nature of the property any accessory structures fronting on Landolfe Place will be non-conforming. The new garage location will help reduce the non-conformity. Pursuant to §235-18B2(B) of the Table of Dimensional Regulation of the Town/Village of Harrison the front yard setback for a detached structure is 60 feet. The new detached garage will reduce the setback to 16 feet 2 inches; thus, requiring a 43-foot 10-inch variance. The final survey reveals the detached two car garage was constructed 1 foot closer to Landolfe Place; *thus, requiring an additional variance of 12 inches*; 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 October 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, Michael Tiesi and Thomas Haynes; and

WHEREAS, Board Members had inspected the site; and

WHEREAS, at said Hearing, the applicant appeared in support of the variance; 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:

*Z22-038
Meegan
11/10/2022*

- (A) the benefits to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of neighborhood or community by such grant;
- (B) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;
- (C) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
- (D) whether the requested variance is substantial;
- (E) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
- (F) whether the alleged difficulty was self-created.

WHEREUPON, the Board found after due deliberation based upon the testimony and documents submitted and its site visit pursuant to town law, Section 267-a and 267-b and Harrison Town Code Section 235-56, et seq., it has jurisdiction to consider the requested variances.

The Board found that:

1. The property is a legally existing non-conforming corner lot.
2. The Applicant is proposing to legalize the existing detached garage constructed one foot closer to Landolfi Place.
4. There were no objections from the neighbors.
5. No undesirable change in the character of the neighborhood or detriment to nearly properties will be created by the granting of the variances.

NOW THEREFORE BE IT RESOLVED, that the application to legalize an existing detached two car garage as indicated in the plans submitted RMG Associates A-1, A-2 and A-3 dated March 23, 2021 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 Thomas Foristel at the meeting on November 10, 2022.

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ADOPTED:

AYES:

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

NAYS:

None

ABSTAINED:

None

ABSENT:

None

Rosemarie Cusumano

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.

TOWN CLERK
HARRISON, NY

2022 NOV 14 P 2:26

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Z22-038

Meegan

11/10/2022

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

Calendar No. Z22-040

Date: November 10, 2022

Property Owner: Frank Rubino

Property Address: 36 Buckout Road

Block 1001, Lot 63

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, Frank Rubino, filed an application on September 15, 2022 for a variance from the Zoning Ordinance to construct a small first floor addition 5 feet 5 inches from an existing accessory structure. This property is located in an R-1 Zoning District and pursuant to the Code of the Town/Village of Harrison §235-18A(2) Placement of Accessory Building and Uses: Garages: off street parking; truck loading spaces, accessory building, including garages, if detached from a main building of if connected only by an open breezeway-type structure, shall be not less than 10 feet from the main building. The Variance is for the separation between the addition and an existing pool cabana. The proposed ground floor addition will reduce the separation to 5 feet 6 inches; ***thus, requiring a 4-foot 6-inch 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 October 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, 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:

Z22-040
Rubino
11/10/2022

- (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 36 Buckout Road in an R-1 Zoning District and is a unique home with the existing ground floor of the dwelling with the entrance in the rear of the home accessed by a staircase.
- B) The property owner is proposing to enclose a portion of the ground floor to create an entrance at the front of the dwelling with an entry foyer, playroom and storage room. By closing in a portion of the ground floor storage room
- C) The existing pool house is an octogen shape, by closing in a portion of the ground floor storage room the separation between the two buildings will now be 5 feet 6 inches were a 10-foot separation is required.
- D) There were no objections from the neighbors.
- E) No undesirable change in the character of the neighborhood or detriment to nearly properties will be created by the granting of the variance

NOW THEREFORE BE IT RESOLVED, that the application for permission to enclose a portion of the ground floor 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.

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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 Michael Tiesi, seconded by Zoning Board Member Steven Lowenthal at the November 10, 2022 meeting.

ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: None

Rosemarie Casemano
Secretary, Board of Zoning Appeals

Paul Katz

Acting Chairman, Board of Zoning Appeals

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