

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, May 11, 2023 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

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>
Z23-007	Michael Orilia	804	10	Variance Granted
Z23-009	Gail & Michael Goldey	201	5	Not Heard
Z23-010	Nicholas Pomponio	545	93	Variance Granted
Z23-011	Justin & Kerri Hamill	681	71	Heard – Closed – 2 Year Extension granted
Z23-012	Suzy Hickson	691	116	Heard – Closed – Findings being prepared

The next meeting was scheduled to June 8, 2023

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

Rosemarie Cusumano

Rosemarie Cusumano, Secretary

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

TOWN CLERK
HARRISON, NY

2023 MAY 15 A 10:05

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

Calendar No. Z23-007

Date: May 11, 2023

Property Owner: Michael Orilia

Property Address: 145 Preston Avenue

Block 804 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, Michael Orilia, filed an application on March 14, 2023 for a variance from the Zoning Ordinance to permit the construction of a proposed entry foyer. This property is located in an R-75 Zoning District and pursuant to the Code of the Town/Village of Harrison §235-9B of the Table of Dimensional Regulations the minimum required front yard setback is 30 feet. The proposed entry foyer with a front yard setback of 24.4 feet; thus, requiring a variance of 5.6 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 April 13, 2023 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, 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:

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Orilia

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- (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 145 Preston Avenue and is in an R-75 zoning district. Which requires a front yard setback of 30 feet.
- B) The existing entry opens directly in front of the main staircase. The new entry foyer will allow for a dedicated entry with a coat closet.
- C) There would be no apparent detriment to the surrounding properties or to the neighborhood.
- D) The entry foyer area will not change the character of the neighborhood.
- E) There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for permission to construct the entry foyer area 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 three years from said date.

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Orilia

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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 Thomas Foristel at the May 11, 2023 meeting.

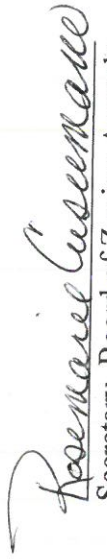
ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: None


Secretary, Board of Zoning Appeals



Acting Chairman, Board of Zoning Appeals

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Orilia
5/11/2023

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

Calendar Z23-010

Date: May 11, 2023

Property Owner: Nicholas Pomponio

Property Address: 15 Lakeside Drive

Block 545 Lot 93

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, Adamo Maiorano, Engineer filed an application on behalf of the property owner Nicholas Pomponio, on March 17, 2023 for a variance from the Zoning Ordinance to construct a boulder retaining wall 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 Districts and in the PB, NB, CB 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 state, county, Soil Conservation service or US Department of Housing and Urban Development, Federal Insurance Administration. The proposed Boulder Retaining Wall (3 feet to 6.5 feet high), Filling and Regarding in the 50-foot setback; thus, requiring 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 April 13, 2023, 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, 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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Pomponio
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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 15 Lakeside Drive in an R-1 Zoning District and is one of three homes which back up to the same pond.
- B) The new boulder retaining wall will remediate the flooding in the rear yard of the property.
- C) The boulder retaining wall does not change the character of the neighborhood.
- D) There would be no apparent detriment to the surrounding properties or to the neighborhood.
- E) There were no objections from any of the neighbors.

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Pomponio
5/11/2023

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.

Foregoing Resolution submitted by Zoning Board Member Michael Tiesi, seconded by Zoning Board Member Thomas Haynes at the May 11, 2023 meeting.

ADOPTED:

AYES:

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

NAYS:

None

ABSTAINED: None

ABSENT:

None


Secretary, Board of Zoning Appeals



Acting Chairman, Board of Zoning Appeals

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Z23-010
Pomponio
5/11/2023

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

Calendar No. Z23-011

Date: May 11, 2023

Property Owner: Kerri Hamill

Property Address: 3086 Purchase Street

Block 681 Lot 71

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, Kerri Hamill property owner filed an application on April 11, 2023 for a for a 2-year extension for a variance from the Zoning Ordinance to construct a two story addition located at 3086 Purchase Street. This property is located in an R-2 Zoning District and pursuant to the Code of the Town/Village of Harrison §235-9 B the Table of Dimensional Regulations the minimum required rear yard setback is 100 feet. The proposed 2 Story Addition has a rear yard setback of 55 feet; ***Applicant requesting an extension of Z22-011 granted 5/12/2022***; 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 May 11, 2023, after due notice and publication pursuant to Town Law 267-a (7) at which the following members were present in person at the Hearing: Paul Katz, Ernest Fiore, Steven Lowenthal, Tom Foristel, 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:

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Hamill
5/11/2023

- (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 considered to be a flag lot off Purchase Street and abuts Old Oaks Country Club to the West and North of the property.
- B) The garage 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 garage is heavily screened and will not be visible from any other property.
- F) There have been no changes to the original application.

NOW THEREFORE BE IT RESOLVED, that the application for permission to construct a garage 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.

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

Z23-011

Hamill

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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 Ernest Fiore at the May 11, 2023 meeting.

ADOPTED:

AYES:

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

NAYS:

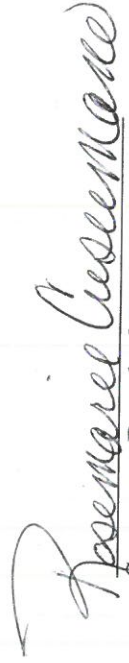
None

ABSTAINED:

None

ABSENT:

None


Secretary, Board of Zoning Appeals



Acting Chairman, Board of Zoning Appeals

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Z23-011
Hamill
5/11/2023