

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, June 8, 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
Steven Lowenthal
Thomas Foristel
Michael Tiesi

Members Absent

Ernest Fiore
Thomas Haynes

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>
Z23-009	Gail & Michael Goldey	201	5	Heard – Closed – Findings being prepared
Z23-012	Suzy Hickson	691	116	Variance Granted
Z23-013	Geovanny Holguin	171	57	Heard – Closed – Findings being prepared
Z23-014	Anthony Forte	472	27	Heard – Closed – Findings being prepared
Z23-015	The Bebear LLC	644	27	Heard – Closed – Findings being prepared
Z23-016	William D’Imperio	432	1	Heard – Closed – Findings being prepared
Z23-017	KST Powell LLC	76	8	Heard – Adjourned to the June Meeting

The next meeting was scheduled to July 13, 2023

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

Jacqueline Greer

Town Clerk’s Office

Rosemarie Cusumano

Rosemarie Cusumano, Secretary

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

ALL DISCUSSION
WENT TO HALL

2023 JUN 12 A 10:36

RECEIVED

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

Calendar No. Z23-012

Date: June 8, 2023

Property Owner: Suzy Hickson

Property Address: 3 Spring Lake Drive

Block 691 Lot 116

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, filed an application on behalf of the property owner Suzy Hickson on April 17, 2023 for a variance from the Zoning Ordinance to permit the construction of a proposed two-story vestibule addition and roofed entrance platform at the front of the house. This property is located in an R-1/3 Zoning District and pursuant to §235-9B Table of Dimensional Regulations of the Town/Village of Harrison the Front Yard Setback is 30 feet. The proposed 2 story addition and open portico reduces the front yard setback to 24 feet 2 inches; ***Thus requiring a 5 foot 10 inch variance.*** The second variance is for the 12 foot 5 inch width of the proposed open portico where 9 feet is allowed; ***Thus requiring a 3 foot 5 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 May 11, 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

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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 Spring Lake Drive and is in an R-1/3 zoning district. The two-story addition and roofed entrance platform will replace an existing roofed entrance platform and will not protrude any further than the existing walkway.
- B) There would be no apparent detriment to the surrounding properties or to the neighborhood.
- C) The two-story addition and roofed entrance platform will not change the character of the neighborhood.
- D) There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for permission to construct the two-story addition and roofed entrance platform 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.

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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 Thomas Foristel at the June 8, 2023 meeting.

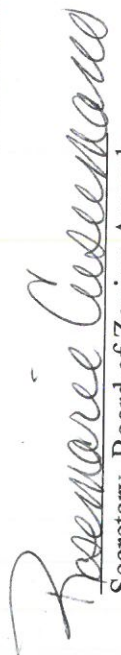
ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: Ernest Fiore, Thomas Haynes


Secretary, Board of Zoning Appeals


Acting Chairman, Board of Zoning Appeals

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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.

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