

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, July 13, 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>
Z23-009	Gail & Michael Goldey	201	5	Variance Granted
Z23-013	Geovanny Holguin	171	57	Variance Granted
Z23-014	Anthony Forte	472	27	Variance Granted
Z23-015	The Bebear LLC	644	27	Variance Granted
Z23-016	William D'Imperio	432	1	Variance Granted
Z23-017	KST Powell LLC	76	8	Heard – Adjourned to the August Meeting
Z23-018	Sandy Hoffman	46	3	Heard – Closed – Findings being prepared
Z23-019	Robert Frankel	691	193	Heard – Closed – Findings being prepared
Z23-020	Clark Pager	951	22	Heard – Closed – Findings being prepared
Z23-021	Michelle Burton & Michael Zuckman	491	2	Heard – Adjourned to the August Meeting

The next meeting was scheduled to August 10, 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

TOWN CLERK
HARRISON, NY

2023 JUL 14 P 3:43

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

RECEIVED

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

Calendar No. Z23-009

Date: July 13, 2023

Property Owner: Gail and Michael Goldey

Property Address: 81 Highfield Road

Block 201 Lot 5

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, Andrew Spatz on behalf of the property owner, Gail and Michael Goldey filed an application on March 17, 2023 for a variance from the Zoning Ordinance to subdivide the property to create 1 new additional lot at 81 Highfield Road. This property is located in an R-1/3 Zoning District and pursuant to the Code of the Town/Village of Harrison §235-9 B of the Table of Dimensional Regulations the minimum lot width is 100 feet and the required front yard is 30 feet. LOT WIDTH is defined as 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. The proposed 2 lot subdivision lot width of 93.7 feet; ***thus, requiring a variance of 6.3 feet.*** Application was referred by the Planning Board; 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 8, 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, 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

Z23-009
Goldey
7/13/2023

WHEREAS, at said Hearing, the applicant appeared in support of the variance and two neighbors spoke in favor of the application. 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 81 Highfield Road and is in an R-1/3 zoning district and the granting of the subdivision will create 2 oversized lots.
- B) The new lot will have no apparent detriment to the surrounding properties or the neighborhood.
- 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. Two neighbors spoke in favor of the application.
- E) The proposed subdivision has been referred to this Board with a positive recommendation from the Planning Board.

Z23-009
Goldey
7/13/2023

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.

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.

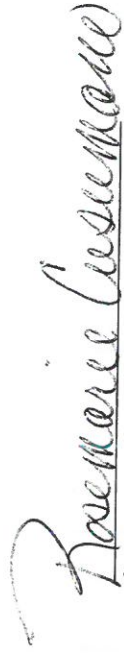
Construction shall be deemed to have begun when all required footings and foundations have been completed, or when actual work of a substantial nature has begun on projects that do not require footings or foundations. Site preparation shall not satisfy the terms of this condition. Construction shall 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 Haynes at the July 13, 2023 meeting.

ADOPTED:

AYES:	Paul Katz, Ernest Fiore, Steven Lowenthal, Michael Tiesi and Thomas Haynes
NAYS:	None
ABSTAINED:	None
ABSENT:	Thomas Foristel


Secretary, Board of Zoning Appeals

Z23-009
Goldey
7/13/2023

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.

Z23-009
Goldey
7/13/2023

RECEIVED
JUL 14 2023
BUILDING DEPT

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

Calendar No. Z23-013

Date: July 13, 2023

Property Owner: Geovanny Holguin

Property Address: 2 Archer Place

Block 171 Lot 57

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, Robert Stanziale, filed an application on behalf of the property owner Geovanny Holguin on May 16, 2023 for a variance from the Zoning Ordinance to permit the construction of a proposed one-story addition, wood platform and stairs. This property is located in a B Zoning District and is a Legally Existing Non-Conforming corner lot. Pursuant to §235-9B Table of Dimensional Regulations of the Town/Village of Harrison, the side yard setback for one side yard is 7 feet and abutting side street on a corner lot is 8 feet for a total of 15 feet. The proposed one-story addition reduces the total combined dimension to 13 feet 7 inches; ***thus requiring a 1 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 June 8, 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

Z23-013
Holguin
7/13/2023

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 Archer Place and is in a B zoning district and is legally existing non-conforming corner lot.
- B) There would be no apparent detriment to the surrounding properties or to the neighborhood.
- C) The one-story addition, wood platform and stairs 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 legalize the existing deck and pergola 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.

Z23-013
Holguin
7/13/2023

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 Thomas Haynes at the July 13, 2023 meeting.

ADOPTED:

AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, 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.

Z23-013
Holguin
7/13/2023

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

Calendar No. Z23-014

Date: July 13, 2023

Property Owner: Samantha & Anthony Forte

Property Address: 711 West Street

Block 472 Lot 27

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, filed an application on behalf of the property owner Samantha and Anthony Forte on May 17, 2023 for a variance from the Zoning Ordinance to permit to legalize the construction of a deck and pergola. This property is located in an R-1 Zoning District on a corner lot and is legally existing non-conforming with regards to the side yard setback (15 feet 1 inch). Pursuant to the Code of the Town/Village of Harrison §235-9B of the Table of Dimensional Regulations the minimum required side yard setback is 20 feet. The existing deck reduces the side yard setback to 17 feet 1 inch; ***thus requiring a 2 foot 12 inch variance***. The existing pergola with a setback of 18 feet 7inch; ***thus requiring a 1 foot 3 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 June 8, 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

Z23-014
Forte
7/13/2023

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 711 West Street and is in an R-1 zoning district and is legally existing non-conforming corner lot.
- B) There would be no apparent detriment to the surrounding properties or to the neighborhood.
- C) The existing deck and pergola will not change the character of the neighborhood.
- D) There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for legalization of an existing deck and pergola 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.

Z23-014
Forte
7/13/2023

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 Thomas Haynes, seconded by Zoning Board Member Ernest Fiore at the July 13, 2023 meeting.

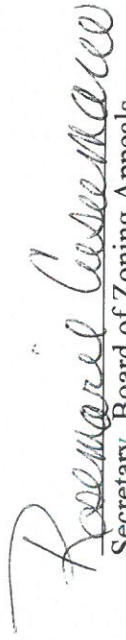
ADOPTED:

AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, 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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Z23-014
Forte
7/13/2023

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BUILDING DEPARTMENT
JUL 14 2023

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

Calendar No. Z23-015

Date: July 13, 2023

Property Owner: The Bebear LLC

Property Address: 1 Bristol Lane

Block 171 Lot 27

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, Neil Hauck, filed an application on behalf of the property owner The Bebear LLC on May 17, 2023 for a variance from the Zoning Ordinance to permit the construction of a two-story garage addition with a guest suite above. This property is located in an R-1 Zoning District and pursuant to §235-9B Table of Dimensional Regulations of the Town/Village of Harrison the rear yard setback is 50 feet. The new 3 car garage reduces the rear yard setback to 31 feet; ***thus requiring a 19 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 June 8, 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

Z23-015
The Bebear LLC
7/13/2023

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 1 Bristol Lane and is in an R-1 zoning district and is through lot with frontage on Bristol Lane and Anderson Hill Road.
- B) There would be no apparent detriment to the surrounding properties or to the neighborhood.
- C) The new two-story garage addition with a guest suite above 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 a new two-story garage addition with a guest suite above 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.

Z23-015
The Bebear LLC
7/13/2023

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 Ernest Fiore at the July 13, 2023 meeting.

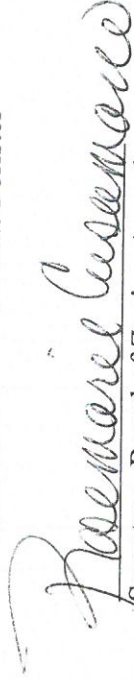
ADOPTED:

AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, 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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Z23-015
The Bebear LLC
7/13/2023

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

Calendar No. Z23-016

Date: July 13, 2023

Property Owner: William D’Imperio

Property Address: 182 Ellsworth Avenue

Block 432, 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, Keane & Beane, P.C., filed an application on behalf of the property owner William D’Imperio on May 17, 2023 for a variance from the Zoning Ordinance to permit to legalize a screened porch. This property is located in a B Zoning District and pursuant to §235-9B Table of Dimensional Regulations of the Town/Village of Harrison the rear yard setback is 25 feet. The legalization of an existing enclosed porch reduces the rear yard setback to 24 feet 2 inch; ***thus requiring a 10 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 June 8, 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:

Z23-016
D’Imperio
7/13/2023

- (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 located at 182 Ellsworth Avenue and is in a B zoning district. The screened porch is constructed approximately in 1976 based on aerial images.
- B) There would be no apparent detriment to the surrounding properties or to the neighborhood.
- C) The existing screened porch 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 legalize an existing screeded porch 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.

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.

Z23-016

D'Imperio

7/13/2023

Foregoing Resolution submitted by Zoning Board Member Ernest Fiore, seconded by Zoning Board Member Thomas Haynes at the July 13, 2023 meeting.

ADOPTED:

AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, 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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Z23-016
D'Imperio
7/13/2023

TOWN CLERK
HARRISBORO, NJ
2023 JUL 14 P 12:17
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