

ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, October 12, 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

Members Absent

Thomas Haynes
Jerome Valenti

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>
Z23-023	Gregory Hibbard & Susan Reifenhauser	77	33	Variance Granted
Z23-025	Manhattanville College	631	5	Variance Granted
Z23-024	Kevin McSedon	841	23	Heard – Closed – Findings being prepared
Z23-027	15 Halstead Property, LLC	42	11	Heard – Closed – Findings being prepared

The next meeting was scheduled to November 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 Greer

Town Clerk's Office

Rosemarie Cusumano

Rosemarie Cusumano, Secretary

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

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HARRISON, NY

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

Calendar No. Z23-023

Date: October 12, 2023

Property Owner: Gregory Hibbard & Susan Riefenhauser

Property Address: 31 Second Street Block 77, Lot 33

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 behalf of the property owners Gregory Hibbard and Susan Reifenhauser on August 15, 2023 for a variance from the Zoning Ordinance to construct a two-story addition. This property is located in a B Zoning District and is legally existing non-conforming with regards to the front yard setback of 19.1 feet and the side yard setback of 3.4 feet. Pursuant to the Code of the Town/Village of Harrison §235-9B of the Table of Dimensional Regulations the total required setback for the two side yards is 15 feet. The proposed 2-story addition with a total side yard setback for the two side yards of 10.6 feet; ***thus requiring a variance of 4.4 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 14, 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 Jerome Valenti; 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

Z23-023
Hibbard & Riefenhauser
10/12/2023

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 31 Second Street and is in a B zoning district. The applicant is proposing to remove an existing detached garage in the rear yard and build an addition with a one car garage and seconded floor.
- B) There would be no apparent detriment to the surrounding properties or to the neighborhood.
- C) The addition will not change the character of the neighborhood.
- D) There were no objections from neighbors.

NOW THEREFORE BE IT RESOLVED, that the application to construct a two-story addition 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 Steve Lowenthal, seconded by Zoning Board Member Thomas Foristel at the October 12, 2023 meeting.

ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: Thomas Haynes and Jerome Valenti

Rosemarie Casumano
Secretary, Board of Zoning Appeals

Paul Katz

Acting Chairman, Board of Zoning Appeals

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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.

Z23-023
Hibbard & Riefenhauser
10/12/2023

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

Calendar No. Z23-025

Date: October 12, 2023

Property Owner: Manhattanville College

Property Address: 2900 Purchase Street

Block 631 Lot 5

WHEREAS, the applicant, the property owner, applied for a Building Permit for a proposed improvements to the existing athletic fields and facilities at the property 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, Seth Mandelbaum, Esq, on behalf of the property owner, Manhattanville College, filed an application on August 17, 2023 for 7 variances for improvements to existing athletic fields and facilities. This property is located in an R-2 Zoning District. This application requires 7 Variances. Pursuant to the Code of the Town/Village of Harrison §235-9B the Table of Dimensional Regulations the maximum height of an accessory building shall be 15 feet. **1) the proposed Press Box at the Baseball Field with have a height of 22 feet; *thus requiring a variance of 7 feet.*** **2) The proposed Press Box at the Softball Field with have a height of 22 feet; *thus requiring a variance of 7 feet.*** Pursuant to the Code of the Town/Village of Harrison §235-26-C(3) In no case shall any fence or wall have a height greater than 6 feet 6 inches. **3) The proposed Baseball Field Backstop will have a height of 50 feet; *thus requiring a variance of 43 feet 6 inches.*** **4) The proposed Softball Field Backstop will have a height of 40 feet; *thus requiring a variance of 33 feet 6 inches.*** **5) The proposed Safety netting at the Baseball Field will have a height of 20 feet; *thus requiring a variance of 13 feet 6 inches.*** **6) The proposed Baseball and Softball Field retaining walls and fences will have a height of 10 feet; *thus requiring a variance of 3 feet 6 inches.*** Pursuant to the Code of the Town/Village of Harrison §235-24.1 B Roadway buffer setback. A minimum buffer setback of 100 feet shall be established along each of the following roadways: Purchase St, Barnes Ln, Lincoln Ave, Cottage Ave and Anderson Hill Rd. This setback shall be maintained in its natural state or landscaped, in accordance with the determination of the Planning Board, and shall be maintained by the property owner. Except where approved street or streets cross such buffer setback areas, a permanent open space preservation easement may be required by the Planning Board prior to the granting of any building permit for any development abutting any of Purchase St, Barnes Ln, Lincoln Ave, Cottage Ave and Anderson Hill Rd. **7) The proposed improvements will have a setback of 48 feet from Anderson Hill Road; *thus requiring a variance of 52 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 14, 2023 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, Steven Lowenthal, Thomas Foristel, Michael Tiesi and Jerome Valenti; and

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Manhattanville College
10/12/2023

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 variances 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 variances and that the variances sought were the minimum variances 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:

1. Applicant proposes to construct a new standalone two-story athletic building located near its athletic facilities that will provide classrooms, office space, locker rooms, restrooms, training facilities and other amenities, as well as a rooftop patio (which building does not require any variances), relocate existing bleacher seating for both fields, new scoreboards, foul poles, LED lighting and press boxes. 50-foot and 40-foot backstops, 20-foot safety netting and a 10-foot outfield retaining walls with fencing.

2. Based on the above, we find that the granting of the variances will not create an undesirable change in the character of the neighborhood or be a detriment to any nearby properties.
3. Although the variances are substantial, the substantiality of the variances is outweighed by the other findings referred to above.
4. There were no objections from any neighbors.

NOW THEREFORE BE IT RESOLVED, that the application for variances to allow construction of a new standalone two-story athletic building located near its athletic facilities that will provide classrooms, office space, locker rooms, restrooms, training facilities and other amenities, as well as a rooftop patio (which building does not require any variances), relocate existing bleacher seating for both fields, new scoreboards, foul poles, LED lighting and press boxes. 50-foot and 40-foot backstops, 20-foot safety netting and a 10-foot outfield retaining walls with fencing, 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.

These variances shall lapse unless construction begins within two years from the date these variances are 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 Foristel at the October 12, 2023 meeting.

ADOPTED:

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

NAYS: None

ABSTAINED: None

ABSENT: Thomas Haynes and Jerome Valenti

Rosemarie Cusumano
Secretary, Board of Zoning Appeals

Paul Kriz

Acting Chairman, Board of Zoning Appeals

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