

# ZONING BOARD OF APPEALS

There was a regular meeting of the Zoning Board of Appeals on Thursday Evening, February 8, 2024 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  
Michael Tiesi  
Jerome Valenti

Members Absent

Thomas Haynes  
Thomas Foristel

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>                          |
|---------------|------------------|--------------|------------|------------------------------------------|
| Z23-037       | Soverato LLC     | 251          | 42         | Variance Granted                         |
| Z23-036       | Marie & Ray Zeek | 644          | 27         | Heard – Closed – Findings being prepared |
| Z24-001       | Joann Sacco      | 762          | 5          | Heard – Closed – Findings being prepared |

The next meeting was scheduled to March 14, 2024.

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

  
Deputy  
Town Clerk's Office

  
Rosemarie Cusumano, Secretary

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

RECEIVED  
FEB 12 2024  
TOWN CLERK'S OFFICE

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

Calendar No. Z23-037

Date: February 8, 2024

Property Owner: Soverato LLC

Property Address: 16 Orchard Street

Block 251, Lot 42

WHEREAS, the applicant, the property owner, applied for a Building Permit to construct a single-family home 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)) since that application did not strictly comply with the Code's requirements; and

WHEREAS, Marisa Razionale property owner filed an application on filed an application on December 18, 2023 for a variance from the Zoning Ordinance to construct a single-family home at 16 Orchard Street. This property is located in an R-50 Zoning District. The property meets the minimum required total square footage of 5,000 square feet. Pursuant to §235-9-B of the Table of Dimensional Regulations of the Zoning Ordinance of the Town/Village of Harrison the minimum required front yard setback is 25 feet. Pursuant to §235-18 (3) Accessory off-street parking spaces, other than those which might be incidentally available within the actual driveway area, shall not be located within any front yard or required side yard or within 10 feet from any property line in a required rear yard. Nothing herein shall be construed to prohibit a second driveway on a property, provided that: Pursuant to §235-36 Schedule of Off-Street Parking Spaces Requirements for Residential Uses is as follows: 1 Family and 2 Family dwellings 2 per dwelling unit. This application requires 2 Variances 1) Based in the information provided the proposed front yard setback is shown to be 13 feet at front entry portion and 15 feet to the main structure; ***thus, requiring a variance of 12 feet from the front entry portion and 10 feet for the main entrance.*** 2) The proposed required second parking space is shown to be located within the required front and side yard, ***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 January 11, 2024, 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

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WHEREAS, Board Members had inspected the site; and

WHEREAS, at said Hearing, the applicant appeared in support of the variance and one neighbors appeared in favor. 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 16 Orchard Street in a R-50 Zoning District. Although the lot does meet the minimum required total square footage of 5,000 square feet the lot is smaller than the other residential lots on Orchard Street.
- B) The applicant subdivided the property in November, 2018 and during the subdivision process the neighbor requested that the new single-family home be lined up with the other homes on Orchard Street.
- C) The applicant is proposing to build a single-family home with a front yard setback of 15 feet where 25 is required. The required off street parking is two cars in the permitted parking area, due to the non-conformity the second parking space has to be in the front and side yard setback to comply with the off-street parking requirement.
- D) There would be no apparent detriment to the surrounding properties or to the neighborhood.

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E) There were no objections from any of the neighbors and one neighbor appeared in favor.

NOW THEREFORE BE IT RESOLVED, that the application for permission to construct a new single-family home as indicated in the plans submitted with this application, be 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 Ernest Fiore, seconded by Zoning Board Member Michael Tiesi at the February 8, 2024 meeting.

ADOPTED:

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

  
Secretary, Board of Zoning Appeals

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*Paul Kriz*

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.

2024 FEB 8 PM 3:00  
BUILDING DEPARTMENT

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