

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
Diane McManus

Members Absent

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>
Z23-036	Marie & Ray Zeek	644	27	Variance Granted
Z24-001	Joann Sacco	762	5	Variance Granted
Z23-035	Thomas Sullivan & Patricia Foley	544	28	Not Heard
Z24-002	Peter Kalikow	641	23	Heard – Closed – Extension Granted
Z24-003	Monica Chimes	1031	1.1	Heard – Closed – Findings being prepared

The next meeting was scheduled to April 11, 2024.

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

Jacqueline Boer
Town Clerk's Office

Rosemarie Cusumano
Rosemarie Cusumano, Secretary

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

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

Calendar No. Z23-036

Date: March 14, 2024

Property Owner: Marie and Ray Zeek

Property Address: 1 Bristol Lane

Block 644, Lot 27

WHEREAS, the applicant, the property owner, applied for a Building Permit to construct a 6-foot fence along Anderson Hill Road 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, Abigail Adams, Landscape Architect on behalf of the property owners, Marie and Ray Zeek filed an application on filed an application on December 18, 2023 for a variance from the Zoning Ordinance to replace an existing chain link fence and construct a 6-foot fence along Anderson Hill Road. This property is located in an R-1 Zoning District with 3 front yards (Bristol Lane, Lincoln Avenue & Anderson Hill Road). Pursuant to the Code of the Town/Village of Harrison §235-26 C. (1) No fence or wall in a required front yard shall have a height greater than 4 feet. The proposed 6-foot-high fence on the property line parallel to Anderson Hill Road; ***thus, requiring a height variance of 2 feet***. The location of the fence in the 100-foot buffer setback along Anderson Hill Road has been previously approved by the Planning Board in the subdivision approval; 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 and February 8, 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

WHEREAS, Board Members had inspected the site; and

WHEREAS, at said Hearing, the applicant appeared in support of the variance and no neighbors 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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Zeek

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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 1 Bristol Lane in a R-2 Zoning District and has 3 front yards (Bristol Lane, Lincoln Avenue and Anderson Hill Road.
- B) The applicant is proposing to replace an existing 6-foot chain link fence along Anderson Hill Road with a 6-foot cedar fence.
- C) The proposed 6-foot cedar fence will serve to preserve the existing mature plantings and protect the conservation easement and waterways. Currently there is no curbing along Anderson Hill Road which has led to trucks and other vehicles using that length of road as a rest area or a parking area for the deli located on Anderson Hill Road. The Town has noted a litter problem along the applicant's property and has erected a No Littering sign.
- 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.

NOW THEREFORE BE IT RESOLVED, that the application for permission to construct a 6-foot fence on the property line parallel to Anderson Hill Road 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.

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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 Jerome Valenti at the March 14, 2024 meeting.

ADOPTED:

AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, Michael Tiese and Jerome Valenti

NAYS: None

ABSTAINED: Diane McManus

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.

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3/14/2024

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

Calendar No. Z24-001

Date: March 14, 2024

Property Owner: Joann Sacco

Property Address: 32 High Street

Block 762, Lot 5

WHEREAS, the applicant, the property owner, applied for a Building Permit to legalize an existing swimming pool 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, JoAnn Sacco, filed an application on January 17, 2024 for a variance from the Zoning Ordinance to legalize an existing swimming pool. This property is located in an R-75 Zoning District and Pursuant to the Code of the Town/Village of Harrison §235-2B A. No pool shall be constructed within 10 feet of the side and rear property line. The existing pool has been constructed with a side yard setback of 7.25 feet; **thus, requiring a variance 2.75 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 February 8, 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

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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- (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 32 High Street and is in an R-75 zoning district. The swimming pool was constructed approximately in 1971 since the house was constructed.
- B) There would be no apparent detriment to the surrounding properties or to the neighborhood.
- C) The existing swimming pool 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 swimming pool as indicated in the survey submitted with this application be, and the same is hereby granted.

Foregoing Resolution submitted by Zoning Board Member Ernest Fiore, seconded by Zoning Board Member Steven Lowenthal at the March 14, 2024 meeting.

ADOPTED:

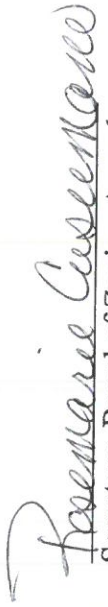
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AYES: Paul Katz, Ernest Fiore, Steven Lowenthal, Michael Tiese and
Jerome Valenti

NAYS: None

ABSTAINED: Diane McManus

ABSENT: Thomas Foristel


Secretary, Board of Zoning Appeals



Acting Chairman, Board of Zoning Appeals

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