

ZBA Application Mar 09
Application to
ZONING BOARD OF APPEALS
Town of Harrison

Date of Disposition _____ Calendar No. Z 12-014
Disposition _____ Dated Filed: May 17, 2012

Street Address of Property **3 Sky Meadow Farm, Harrison, N.Y. 10577**

Tax Assessment Map **Block: 611 Lot: 63**

Zoning District: _____

Applicant: **Mary Lou Manus**

Applicant's Address: **3 Sky Meadow Farm, Harrison, N.Y. 10577**

Applicant's Telephone Number: **(914) 907-0226**

Property owner: **Mary Lou Manus**

Address: **3 Sky Meadow Farm, Harrison, N.Y. 10577**

Telephone No.: **(914) 907-0226** Fax No: _____

Signature of property owner: _____

Person presenting application attorney **Harry C. Kaufman - Title: Attorney**

Address: **37 West Main Street, Mount Kisco, NY 10549**

Telephone No: **(914) 864 2465** Fax No: **(888) 909 2650, kaufmanlaw@gmail.com**

Requested Action: / Area Variance / Use Variance / Other _____

Basis of Jurisdiction: / Appellate / Original / Other _____

Date of Denial letter:

What Section(s) of the Harrison Town Code is (are) in question?

What is the general objective of this application? What do you want to do that you have been told you cannot do?

Obtain an area variance for the pool, cabana, pool equipment and tennis court.

What specific relief is requested from the Board of Appeals? If a variance is requested, state the applicable zoning requirement (e.g. number of feet) and the requested variance (e.g. number of feet) from that requirement.

The zoning requirement is a seventy five (75) foot set back from the road. The structures are sixty one (61) feet from the nearest private road.

Is this property completely conforming with all the requirements of the Zoning Code, except for the relief requested by this application?

Yes

235-9B

If not, specify why not. NOTE: The Zoning Board will not hear an application for a variance if there are existing violations other than those that would be cured by the requested variance(s).

Have any previous applications been made to the Board of Appeals or Planning Board concerning the property, or any summons or warrant issued for a court appearance concerning the matter in question? If so, summarize the proceeding and the disposition and attach a copy of each decision and/or resolution.

No.

Is there any alternative to the proposed improvement or relief?

There is no alternative.

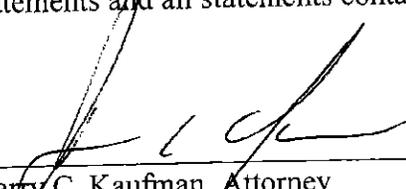
If there is, describe the alternative and explain why you are not adopting it. State whether the alternative would also require relief from the Board of Appeals.

List the name, address and extent of interest in this application of any employee(s) or officer(s) of the Town or Village of Harrison.

Not Applicable.

I understand that I must attach: (1) a copy of the Building Inspector's decision or denial letter; (2) a short form Environmental Assessment form; (3) a survey of the property showing all features relevant to the variance; & (4) a copy of any prior decisions or resolutions regarding the property and submit an original and 9 copies of all the papers to the Secretary of the ZBA. Incomplete applications may not be accepted or put on the agenda. I also understand I must also post a sign pursuant to section 235-82 and send written notification by certified mail, return receipt requested pursuant to section 235-83 before your appeal will be heard.

I hereby depose and say that all of the above statements and all statements contained in papers submitted with this application are true.



Harry C. Kaufman, Attorney

Mary E. Rasamny, Notary Public, State of New York

Sworn to before me May 17, 2015

No. 60-2125078

located in Westchester County

Mary Rasamny, Notary Public, State of New York, Commission Expires June 30, 2015

Does this application require referral to the Westchester County Department of Planning? _____

Building Inspector

**MARY LOU MANUS
3 SKY MEADOW FARM
PURCHASE, NY 10577**

May 17, 2012

To Town of Harrison, Zoning Board of Appeals:

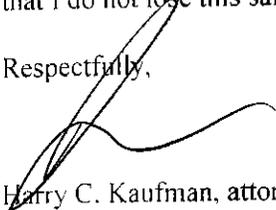
I am writing to petition the Zoning Board for its help in expediting the granting of a variance on several auxiliary structures which exist on my property at 3 Sky Meadow Farm in Purchase. The house, pool, cabana & tennis court were all built 16 years ago by Stuart Cohen who was a well known builder in Harrison at that time. Plans for all of the structures were filed with the building department, which then issued building permits for everything. Unbeknownst to me an egregious error was made by the Building Department. My plans, as filed, showed the pool, cabana & tennis court all somewhere between 50 and 60 feet from the road and the permits were issued based on those plans. The granting of this variance will in no way be a detriment of any kind to the neighborhood nor will it change the character of the neighborhood in anyway. In fact, it has been existing in the neighborhood for 16 years. There is clearly no alternative to this relief I am seeking as the structures are in place and have been in place since day one.

I am now in the process of selling my house and have just discovered that the permits for the auxiliary structures were never closed out and that those structures are not in compliance with the zoning ordinance which requires that they be 75 feet from the road. I was unaware that I did not have Certificates of Occupancy on all existing structures, as I naturally assumed that my builder, who filed the building plans and obtained the permits, had closed everything out and obtained all necessary documents.

I have a contract for sale and, needless to say, the prospective buyers are extremely upset by this matter. We were supposed to have a closing May 21st which now cannot take place. The buyers have agreed to wait an extra month, but if it takes longer than that I will lose my deal and will continue to incur monthly costs of at least \$30,000 to properly maintain this home.

I am asking the Board to consider the exigent circumstances in this matter and grant the variances in a single session instead of the two which it usually takes. I have spoken with people in the building department, as well as the mayor, and they are all in agreement that this situation would never have existed were it not for the erroneous issuance of the building permits. I greatly appreciate their efforts on behalf and understand that they are writing a letter in support of my petition. As you well know Harrison was hit very hard by the downturn in the real estate market. It has taken me two years to sell my house and I am getting less now than it cost me 16 years ago. I respectfully ask that you expedite this matter so that I do not lose this sale.

Respectfully,



Harry C. Kaufman, attorney for Mary Lou Lipsig

Appendix C

**State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only**

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR	2. PROJECT NAME
3. PROJECT LOCATION: Municipality <u>Harrison</u> County <u>Westchester</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>3 Sky Meadow Farm, Harrison, N.Y. 10577 Block: 611 Lot: 63</u>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>To obtain an area variance for an existing pool, pool house and tennis court to</u>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: <u>One family home</u>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <u>Town of Harrison Zoning Board of Appeals</u>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <u>Town of Harrison Building Department</u>	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN **ANY** ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
 No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
 No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
 None

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration, (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

 Name of Lead Agency Date

 Print or Type Name of Responsible Officer in Lead Agency Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency Signature of Preparer (if different from responsible officer)

Reset



TOWN OF HARRISON
VILLAGE OF HARRISON
ALFRED F. SULLA, JR. MUNICIPAL BUILDING
BUILDING DEPARTMENT
1 HEINEMAN PLACE
HARRISON, NEW YORK 10528



Telephone: (914) 670-3050
Fax: (914) 835-7491

May 15, 2012

MANUS MARY L TRUSTEE & MARK J
3 SKY MEADOW FARM

PURCHASE, NY 10577

Re: 3 SKY MEADOW FARM, 0611-063.
96-00009694

Dear MANUS MARY L TRUSTEE & MARK J:

Pursuant to a review of your final survey your application for a Certificate of Occupancy for your Pool House is hereby denied for the following reason.

Your property is located in a R2.5 Zoning District and pursuant to §section 235-9B Table of Dimensional Regulations of the Town/Village of Harrison Accessory structures require a seventy five (75') foot setback from the front property line. Your Pool House encroaches into this setback sixty feet ten inches (60'-10") thus requiring a fourteen foot two inch (14'-2") variance.

An application for a variance to the Zoning Board of Appeals shall be taken within sixty (60) days of this rejection and notice of such appeal specifying the grounds and therein must be filed with the Secretary of the Board of Appeals, at this address in accordance with section 235-58 of the Zoning Ordinance for a Public Hearing.

Very truly yours,

Assistant Building Inspector
Paul Senitta

Cc: Zoning Board of Appeals

FILED THIS	
<u>16</u>	DAY OF
<u>May</u>	20 <u>12</u>
<i>Jaqueline Greer</i>	
Town Clerk, Harrison, New York	



**TOWN OF HARRISON
VILLAGE OF HARRISON**
ALFRED F. SULLA, JR. MUNICIPAL BUILDING
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1 HEINEMAN PLACE
HARRISON, NEW YORK 10528.



Telephone: (914) 670-3050
Fax: (914) 835-7491

May 15, 2012

MANUS MARY L & MARK J TRUSTEES
3 SKY MEADOW FARM RD

PURCHASE, NY 10577

Re: 3 SKY MEADOW FARM, 0611-063.
97-00010139

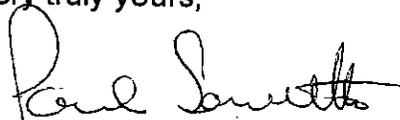
Dear MANUS MARY L & MARK J TRUSTEES:

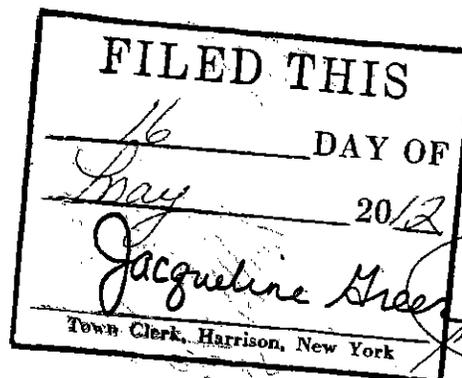
Pursuant to a review of your final survey your application for a Certificate of Occupancy is hereby denied for the following reason.

Your property is located in an R2.5 zoning District and pursuant to §section 235-9B Table of Dimensional Regulations of the Town /Village of Harrison Accessory structures require a seventy five (75') foot setback from the front property line. Your Tennis Court encroaches into this setback sixty two (62') feet thus requiring a thirteen (13') foot variance.

An application for a variance to the Zoning Board of Appeals shall be taken within sixty (60) days of this rejection and notice of such appeal specifying the grounds and therein must be filed with the Secretary of the Board of Appeals, at this address in accordance with section 235-58 of the Zoning Ordinance for a Public Hearing.

Very truly yours,


Assistant Building Inspector
Cc: Zoning Board of Appeals





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May 15, 2012

MANUS MARY L & MARK J TRUSTEES
3 SKY MEADOW FARM RD

PURCHASE, NY 10577

Re: 3 SKY MEADOW FARM, 0611-063.
96-00009624

Dear MANUS MARY L & MARK J TRUSTEES:

Pursuant to a review of your final survey your application for a Certificate of Occupancy for your Swimming Pool and Pool related equipment is hereby denied for the following reason.

This application will require two variances.

Your property is located in a 2.5 Zoning District and pursuant to §section 235-9B Table of Dimensional Regulations of the Town /Village of Harrison Accessory structures require a seventy-five (75) setback from the front property line. Your swimming pool encroaches into this setback sixty feet ten inches (60'-10") thus requiring a fourteen foot two inch (14'-2") variance.

Your Swimming Pool Equipment encroaches into the seventy-five (75') front yard setback, fifty two feet six inches (52'-6") thus requiring a twenty two feet six inch (22'-6") variance.

An application for a variance to the Zoning Board of Appeals shall be taken within sixty (60) days of this rejection and notice of such appeal specifying the grounds and therein must be filed with the Secretary of the Board of Appeals, at this address in accordance with section 235-58 of the Zoning Ordinance for a Public Hearing.

Very truly yours,

Assistant Building Inspector
Paul Senitta
Cc: Zoning Board of Appeals

FILED THIS	
<i>16</i>	DAY OF
<i>May</i>	20 <i>12</i>
<i>Jacqueline Greer</i>	
Town Clerk, Harrison, New York	

