

Application to  
**ZONING BOARD OF APPEALS**  
Town of Harrison

Date of Disposition \_\_\_\_\_ Calendar No. Z 12-006  
Disposition \_\_\_\_\_ Dated Filed: 3/13/12

Street Address of Property 2 RAMAPO CIRCLE HARRISON NY, 10528

Tax Assessment Map Block: 441 Lot: 122 (P019) 12/12 plot plan  
Zoning District: R-1 E. E. V. R.

Applicant: Mr. & Mrs. Michele Botbol

Applicant's Address: 2 RAMAPO CIRCLE HARRISON NY, 10528

Applicant's Telephone Number: (914) 899-9019

Property owner: Mr. & Mrs. Michele Botbol

Address: 2 RAMAPO CIRCLE HARRISON NY, 10528

Telephone No.: (914) 899-9019 Fax No: \_\_\_\_\_

Signature of property owner: [Signature]

Person presenting application (architect, attorney), if applicable:

LARRY J. NARDECCHIA JR., P.E. Title: Proj. Engineer

Address: 21 McKinley Place, ARDSLEY NY, 10502

Telephone No: (914) 693-1126 Fax No: \_\_\_\_\_

Requested Action: \_\_\_\_\_ / Area Variance \_\_\_\_\_ / Use Variance \_\_\_\_\_ / Other SETBACK VARIANCE  
Basis of Jurisdiction: \_\_\_\_\_ / Appellate \_\_\_\_\_ / Original \_\_\_\_\_ / Other \_\_\_\_\_  
Date of Denial letter: \_\_\_\_\_ (You must attach a copy of the denial letter)

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

Section 235-58(A)

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

Construct in ground swimming pool in side yard.

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.

ZONING SETBACK	REQUIRED	REQUESTED	VARIANCE
POOL ~ FRONT YARD	75'	61'	14'
MECH. PAD ~ FRONT YARD	75'	33'	42'
~ SIDE YARD	20'	5'	15'

Is this property completely conforming with all the requirements of the Zoning Code, except for the relief requested by this application? YES 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? NO 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.

NONE

On a separate paper,

1. For area variances, set forth:

The benefit 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;

(i) what change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variances;

- (ii) why the benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than an area variance;
- (iii) how substantial is the requested area variance;
- (iv) why proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (v) how the alleged difficulty was created.

2. For use variances, set forth:

- (i) How the applicable zoning regulations and restrictions have caused unnecessary hardship;
- (ii) Demonstrate that for each and every permitted use under the zoning regulations for the particular district where the property is located that:
  - (A) the applicant cannot realize a reasonable return and set forth or attach competent financial evidencing of such lack of reasonable return;
  - (B) the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
  - (C) the requested use variance, if granted, will not alter the essential character of the neighborhood; &
  - (D) the alleged hardship has not been self-created.

***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.

Sworn to before me

12<sup>TH</sup> day of MARCH, 2012

*[Signature]*  
 Notary Public, State of NY

Title: *[Signature]*  
 RIPALDA ARENA  
 Lic.# 01AR5084256  
 Notary Public, State of New York  
 Qualified in Westchester County  
 My Commission Expires 09/02/13

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

\_\_\_\_\_  
 Building Inspector

PROJECT I.D. NUMBER

617.20

SEQR

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 MR. & MRS. MICHELE BOTBOL	2. PROJECT NAME BOTBOL RESIDENCE
3. PROJECT LOCATION: Municipality HARRISON	County WESTCHESTER
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 2 RAMAPO Circle on CORNER OF RAMAPO TRAIL	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: CONSTRUCTION OF 12' x 26' SWIMMING POOL IN GROUND	
7. AMOUNT OF LAND AFFECTED: Initially 0.02 acres    Ultimately 0.015 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If No, describe briefly A ZONING VARIANCE OF A 75' SETBACK REQUIREMENT FOR POOL AND A 31' SETBACK FOR MEDICINE PAD IS SOUGHT GRANTING A 61' SETBACK FROM STREET. § 235-28A.	
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: Completely Residential 1 Family Homes	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency(s) and permit/approvals	
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 name and permit/approval Building Dept. Granted a permit to construct a Retaining Wall	
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: 03/12/12 ←
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

OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by 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 patterns, 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 - Landscaping Provided.

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.  
 Only minor temporary impact during 2 week construction period.

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 CEA?  
 Yes  No

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 and 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

\_\_\_\_\_  
 Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
 Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
 Title of Responsible Officer

\_\_\_\_\_  
 Signature of Preparer (If different from responsible officer)

\_\_\_\_\_  
 Date



**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

March 13, 2012

BOTBOL MICHEL & EVA R  
2 RAMAPO CIR

HARRISON, NY 10528

Re: 2 RAMAPO CIR, 0441-122.  
12-00020580

Dear BOTBOL MICHEL & EVA R:

Pursuant to a review of the site plan and plans submitted for the proposed swimming pool, your application is hereby denied for the following reason.

*The property is located in an R 1/3 Zone. The lot is located on a corner having two street frontages. Pursuant to §235-28 (A) of the Zoning Ordinance of the Town/Village of Harrison swimming pools located in an B two family residence district and the R-75 and R-50 One family residence districts, no pool shall be located within (10) feet, or within any other residence district, no swimming pool shall be located within (20) feet of side and rear property lines nor shall be setback less than (60) feet from any street in the B district and the R-75 and R-50 districts, and 75 feet in all other districts. Also as per §235-18(B) 2 (a) No accessory building or structure shall be located nearer to the street line than the following setbacks: R-2.5, R-2, R-1, R-1/2, R- 1/3 and GA districts 75 feet.*

*This application requires 2 Variances.*

*Variance 1: The proposed swimming is shown to have a setback of (61) feet from the property line at the street frontage on Ramapo Circle, thus requiring a variance of (14) feet.*

*Variance 2: The proposed pool equipment is shown to have a setback of (33) feet from the property line at the street frontage on Ramapo Circle, thus requiring a variance of (42) feet*

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,

Rocco Germani  
Assistant Building Inspector

Cc: Zoning Board of Appeals

