

Zoning Board of Appeals - Public Hearing
February 05, 2025

VILLAGE OF HARRIMAN
COUNTY: COUNTY OF ORANGE

-----x

ZONING BOARD OF APPEALS
PUBLIC HEARING HELD, FEBRUARY 5, 2025

-----x

ZONING BOARD OF APPEALS
FEBRUARY 5, 2025
7:41 p.m.

P U B L I C

H E A R I N G

Zoning Board of Appeals - Public Hearing
February 05, 2025

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S:

MICHAEL PETTIFORD	CHAIRMAN
TRACEY TORRES	BOARD MEMBER
JUSTIN LARMARCH	BOARD MEMBER

ALSO PRESENT: Joseph Mckay, Village Attorney,
Village of Harriman, Maria Hunter, Zoning Board of
Appeals Secretary, Village of Harriman.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ZBA PUBLIC HEARING

THE CHAIRMAN: All right. Good evening, the time is 7:39 p.m., Wednesday, February 5th. Before we get started I'd like everyone to please join us in the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited by all in attendance, as of this date.)

THE CHAIRMAN: I would like to introduce the other Board Members. I'm Michael Pettiford, ZBA Chair.

MS. TORRES: Tracey Torres, ZBA Member.

MR. LARMARCH: Justin Larmarch, ZBA Member.

MR. MCKAY: Joe Mckay, Attorney for the ZBA.

MS. HUNTER: Maria Hunter, Secretary for the Zoning Board.

THE CHAIRMAN: Okay. Before we open up the Public Hearing, I'd like to set a motion for attorney/client privilege.

MS. TORRES: I second that motion.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ZBA PUBLIC HEARING

THE CHAIRMAN: All right. All in favor?

MR. LARMARCH: Aye.

MR. MCKAY: Aye.

MS. HUNTER: Aye.

(Whereupon, the ZBA Board Members and Applicant's Attorneys, have left the Public Hearing to have a discussion off the record, as of this date.)

(Whereupon, all ZBA Board Members and Applicant's Attorneys are now present, Public Hearing resumes, as of this date.)

THE CHAIRMAN: Good evening, the time is 8:32 p.m. I'd like to make a motion to come out of attorney/client session.

MS. TORRES: I second that motion.

THE CHAIRMAN: All in favor?

MR. LARMARCH: Aye.

MR. MCKAY: Aye.

MS. HUNTER: Aye.

THE CHAIRMAN: And I'd like to make a motion to go into the Public Hearing. All in favor?

Zoning Board of Appeals - Public Hearing
February 05, 2025

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ZBA PUBLIC HEARING

MS. TORRES: Aye.

MR. LARMARCH: Aye.

MS. TORRES: I second the motion.

MR. MCKAY: Second.

THE CHAIRMAN: All in favor?

MS. TORRES: Aye.

MR. LARMARCH: Aye.

THE CHAIRMAN: All right. So,
we're here to discuss the determination as
far as the address at 200 Route 59M,
Harriman.

We would like to open the meeting
to the Public for any comments at this
time.

MS. DEMICO: I have a comment. I
have a couple.

MR. MCKAY: If we can -- facilitate
explanations or have some information and
ask questions on it.

MR. LOCH: Sure.

MS. HUNTER: Put the microphone on
and make sure you talk into it.

MR. LOCH: Good evening, my name is
John Loch, I am an Engineer, Land Surveyor

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ZBA PUBLIC HEARING

for AFR Engineering and Land Surveying.
I'm here on behalf of the Applicant, along
with their legal Counsel. They can
introduce themselves at the appropriate
times.

MR. WARNER: Aaron Warner, with
Zarin and Steinmetz along with my Partner
Dan Richmond.

MR. RICHMOND: Good evening.

MR. LOCH: Okay. Very briefly,
there are three issues that have been
brought before the Board.

The first, is the height of
building in feet. A -- essentially a
mistake in construction occurred. We have
a building where based on how it is
defined, we are approximately, one and a
half feet higher than we're supposed to be
by code.

Code allows up to 35 feet. We are
at 36.5 -- I think, it was 52, is what was
finally settled on by your -- by your
consultants.

We have presented -- a -- some

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ZBA PUBLIC HEARING

ideas that basically show -- we don't believe this has any significant impact. But of course, we'll listen to whatever the Public's concerns are, with respect to the building being a foot and a half taller than it's supposed to be.

The other issue -- the next one really concerns whether it has a third-story or not. Um -- the Applicant believe they were building a mezzanine. That is something we've asked for an interpretation on. It is not determined to be a mezzanine and is considered a third floor, we would request variance for that. Um -- my understanding is we're looking to just address really the first issue.

The last issue is, parking. Because of the floor is associated with the office space by the mezzanine level, we would be below what's needed at this time. However, we are not looking to have that issue resolved tonight.

And if the Public has any

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ZBA PUBLIC HEARING

questions, I'm happy to try and address exactly what we got here.

MR. WARNER: We also -- we're requesting a day until your next meeting that we have a full Board. Um -- to a date certain which the Board can determine.

THE CHAIRMAN: Now, I can make a motion to open the Public Hearing for any public comment.

MR. LARMARCH: I second that motion.

THE CHAIRMAN: All in favor?

MS. HUNTER: Aye.

MS. DEMICO: May name is Lisa Demico.

THE CHAIRMAN: You can come up here.

MS. DEMICO: You want me to come up, okay. Sorry, that's fine.

THE CHAIRMAN: Could you state your name?

MS. DEMICO: Lisa Demico, I e-mailed -- um -- their parking is a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ZBA PUBLIC HEARING

parking issue. I own my lot right next to theirs. And all somebody has to do is ride up to my lot --

(Whereupon, the Public Speaker was inaudible.)

MS. DEMICO: So, I have a parking issue. Because my parking lot goes right up to their's, their property. And it doesn't take much to walk from their property over to mine.

So, if they park in my lot, they walk right back over to their building. I do not want anyone parking in my lot. Primarily, because of insurance reasons and also I have tenants.

So, this is my issue and I want them to be aware of that. Unless, they want to pay me a huge amount of money to buy my property, otherwise, no.

This is a concern of mine. I have another issue -- with the understanding that they may clear out some of the land behind the tire building. To maybe, add some parking for themselves. That land

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ZBA PUBLIC HEARING

back there, I'm pretty sure is a lot of
fill with old tires and junk.

We've had very bad issues. I've
got two batter boards in my parking lot
because of their construction. And I
don't want this to happen again. So, what
happened was -- um -- all the silt ran off
into my lot. Or went into my loading
dock, clogged up everything, it had to be
blown out. I mentioned this to Israel.
He said, he would take care of it, nothing
was ever done. I haven't gotten to it yet
fortunately, my tenants does not need
that.

So, anyway, I'd like to show you a
picture of what it looks like. How the
water gets into my lot.

MR. MCKAY: I'm sorry, can I ask
you a question? I know that you're
raising questions concerning the drainage,
people walking between the two lots and
what fill may be adjacent to the property.

The issue before the Board tonight
concerns the height Variance. And

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ZBA PUBLIC HEARING

concerns the parking variance with respect to the number of spaces. And also concerns the question of whether or not, there's a third-floor that has a mezzanine.

And I was just asking if anyone has any comments regarding those questions?

MS DEMICO: Well, I did question the parking because it's a concern. That's why I come here, it's just a concern.

MR. MCKAY: No, I understand. I guess what I'm saying and what I'm suggesting, is the way that you discussed the matter and drainage or access between the lots. Those will be added too by the Planning Board and not the CPA.

This Board's job is to determine whether or not, the half or so height variance should be granted. And determine whether or not, the parking lot could be reduced from 93.

So, there are issues before the Board tonight. I'm not discounting that

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ZBA PUBLIC HEARING

you have this issue in your property.

MS. Demico: I understand what you're saying. This is just an opportunity.

MR. MCKAY: Oh, no, that's fine. You're welcome to comment.

MS. DEMICO: I have a two and a half hour trip to be here. And I'm letting you know how concerned I am. Because you can see the water -- okay. I have like, two feet of water.

MR. LARMARCH: Yeah, no, I could see it.

MS. DEMICO: And your previous building inspector had looked at it. And so, we've been wanting to possibly dig out more. And it's still -- it's still -- we still get water. I put up a gutter on the side of the building. I paid up to \$3,000, to try and pump the water. So, I did my part. But I'm still getting water. But not even that, it's still pooling on the side of my lot.

So, those are my issues I just hope

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ZBA PUBLIC HEARING

you all take note of that. Because I can't have my tenants, they have thousands, of thousands, of thousands, of dollars of merchandise in that building. I can't have that be ruined. That would be a horrible catastrophe. I'm really concerned about it too.

So, anyway, I said my case. Thank you, for hearing me.

THE CHAIRMAN: Thank you.

MR. LARMARCH: Thank you.

MS. DEMICO: Okay. Thank you.

THE CHAIRMAN: Do we have anymore members of the Public that would like to come up and speak? Any members of the Public?

I will close.

MR. MCKAY: You can't close the public --

(Whereupon, a discussion was held off the record.)

(Back on the record.)

MR. MCKAY: We will be keeping the Public Hearing open. If there's any other

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ZBA PUBLIC HEARING

members of the Public that wish to speak.
And the Applicant can have a chance to sum
up, they can do that. But we're not
closing the Public Hearing, because we
have to continue with the subject.

(Whereupon, a discussion was held
off the record.)

(Back on the record.)

THE CHAIRMAN: Okay. We're going
to keep the Public Hearing open. And we'd
like to hear from the Applicant, if they
have anymore comments or an explanation
for the Board to hear in respect to --

MR. Warner: -- Not at this time,
but thank you, for the members of the
Public for speaking tonight.

MR. MCKAY: So, we had one of the
other things we discussed was whether the
Board could accommodate the Applicant and
have a meeting with a special date, rather
than, to reschedule. So, I don't know if
we did that with the members.

MR. LARMARCH: No, we haven't.

(Whereupon, a discussion was held

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ZBA PUBLIC HEARING

off the record.)

(Back on the record.)

THE CHAIRMAN: All right. We'll take a very brief recess, to give the other Board Member a call to confirm the special date.

(Whereupon, a short recess was taken, by all ZBA Board Members.)

(Whereupon, all ZBA Board Members are present, Public Hearing resumes, as of this date.)

THE CHAIRMAN: All right. We're coming out of our recess. The Board would like to make a motion to continue the Public Hearing. We have a date for February 25th --

MR. MCKAY: -- 27th.

THE CHAIRMAN: Oh, excuse me, the 27th, at 7:30.

MS. TORRES: I second the motion.

THE CHAIRMAN: All in favor?

MS. TORRES: Aye.

MR. LARMARCH: Aye.

THE CHAIRMAN: Agreement from

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ZBA PUBLIC HEARING

Counsel with that date?

MR. WARNER: Yes.

THE CHAIRMAN: If able?

MR. WARNER: Yes.

THE CHAIRMAN: All right.

MR. RICHMOND: Thank you, very
much.

THE CHAIRMAN: The meeting is going
to continue for the minutes.

MS. HUNTER: Ask the Board if they
want approval of the draft minutes I
submitted?

THE CHAIRMAN: The draft minutes
have been submitted. You guys had an
opportunity to review?

MR. LARMARCH: Yes.

THE CHAIRMAN: I would like to make
a motion to accept the minutes.

MR. LARMARCH: I'll second that
motion.

THE CHAIRMAN: All in favor?

MR. LARMARCH: Aye.

MS. TORRES: Aye.

THE CHAIRMAN: Minutes are

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ZBA PUBLIC HEARING

accepted. Our next Board Meeting is
scheduled for March --

(Whereupon, a discussion was held
off the record.)

(Back on the record.)

THE CHAIRMAN: Our next regular
meeting is scheduled for March 5th, at
7:30 p.m. There will be a public notice.
And I'd like to motion to include this
meeting. All in favor?

MS. TORRES: Aye.

MR. MCKAY: Second the motion --

THE CHAIRMAN: -- Second the
motion.

MS. TORRES: I second the motion.

THE CHAIRMAN: Second the motion?

MR. LARMARCH: Aye.

MS. TORRES: Aye.

THE CHAIRMAN: This meeting is
concluded. Thank you, you all.

(Time noted: 8:49 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

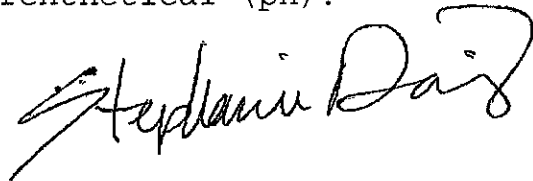
ZBA PUBLIC HEARING

CERTIFICATION

I, Stephanie A. Colon-Davis, Certified Court Reporter, before whom this proceeding was taken, do hereby state on the Record:

This to be a true and accurate transcript of the aforesaid proceeding and that due to the interaction in the spontaneous discourse of the proceedings, dashes (--) have been used to indicate pauses, changes in thought, and/or talkovers; that same is the proper method for a Court Reporter's transcription of proceedings, and that the dashes (--) do not indicate that words or phrases have been left out of this transcript;

That any words and/or names which could not be verified through reference material have been denoted with the parenthetical "(ph)."



Stephanie A. Colon-Davis

Dated: February 5, 2025