

ZONING BOARD OF APPEALS

AGENDA

FEBRUARY 6, 2019

7:30 p.m.

1. **PLEDGE OF ALLEGIANCE**

2. **PUBLIC HEARING**
ST ANASTASIA CHURCH
102-4-7.22
AREA VARIANCE

3. **ROLL CALL**

4. **APPROVAL OF MINUTES - JANUARY 2, 2019**

5. **ST ANASTASIA CHURCH**
102-4-7.22
AREA VARIANCE

**THE NEXT ZONING BOARD MEETING IS SCHEDULED FOR
WEDNESDAY MARCH 6, AT 7:30PM
SUBMISSION DEADLINE FOR THE ZONING BOARD MEETING IS
WEDNESDAY FEBRUARY 20, 2018**

VILLAGE OF HARRIMAN ZONING BOARD OF APPEALS
FEBRUARY 6, 2019
7:30pm

Opened the ZBA Meeting with the Pledge of Allegiance

Motion was made by Chairperson Schneider to open the Public Hearing
Second by Member Medina.

Aye: Member Sainato
Member Medina
Member Schneider
Member Sandoval
Nay: -0-
Abstain: Member Miller

St. Anastasia Church
102-4-7.22
Area Variance

Member Miller recuses herself from all proceedings, decisions and deliberations.

Chairwoman Schneider: The proof of mailings is complete?

Ms. Singer: Yes.

Chairwoman Schneider: There is no one here from the public to speak.

Motion was made by Chairperson Schneider to close the Public Hearing
Second by Member Sainato.

Aye: Member Sainato
Member Medina
Member Schneider
Member Sandoval
Nay: -0-
Abstain: Member Miller

Roll Call

The following persons were present:

- Laurine Miller - Member
- Darrin Sainato - Member
- Carol Schneider – Chairperson
- Lou Medina – Member
- Reyna Sandoval - Member
- John Hager, Building Inspector
- Barbara Singer – Deputy Clerk/Secretary
- Joseph McKay, Esq.

VILLAGE OF HARRIMAN ZONING BOARD OF APPEALS

FEBRUARY 6, 2019

7:30pm

Motion was made by Member Schneider to approve January 2, 2019 minutes with corrections.

Second by Member Sandoval.

Aye: Member Sainato
Member Medina
Member Schneider
Member Sandoval

Nay: -0-

Abstain: Member Miller

St. Anastasia Church

102-4-7.22

Area Variance

Member Miller recuses herself from all proceedings, decisions and deliberations.

Present: Jim Buyea, Facility Manager of St Anastasia Church.

Chairwoman Schneider: Does anyone on the Board have any comments or questions regarding the applicant's request for a 23' side line variance?

Members reply that they do not.

Chairwoman Schneider: Can the benefits be achieved by other means feasible to the applicant?

Member Sainato: The applicant explained the reason they need this variance and I don't believe there's any feasible means to obtain it otherwise.

Member Medina: From what I can see, the vestibule is being added to a side door, the only other entrance to the chapel is through the front. No, I don't see how it could be feasibly done any other place.

Member Sandoval: I agree with that.

Chairwoman Schneider: I agree with that as well. Whether the benefits be achieved by other means feasible to the applicant has been determine that we do not believe so as it is a vestibule that is being added on to a side door which is needed for the benefit of being able, as you stated previously, to bring in the coffins and turn them. The only other entrance would be through the front door.

Members Schneider, Sainato, Medina, and Sandoval agree. Member Miller abstains.

Chairwoman Schneider: Does it create an undesirable change in the neighborhood character or detriment to nearby properties. I do not believe that it does. The lot size, looking at the survey map, is quite large, with a cemetery on one side and a driveway on the other side. I don't see

VILLAGE OF HARRIMAN ZONING BOARD OF APPEALS

FEBRUARY 6, 2019

7:30pm

how it would cause any kind of undesirable change in the neighborhood. It's staying within the characteristics of what's already there.

Member Sandoval: I agree with you.

Member Medina: I feel that it's fairly small. The character wouldn't be changing.

Chairwoman Schneider: So, we're in agreement that there would be no undesirable change in the neighborhood character or detriment to nearby properties.

Members Sainato, Medina, and Sandoval agree. Member Miller abstains.

Chairwoman Schneider: Whether the request is substantial?

Member Medina: Some might say that it's substantial because the number is 23', that sounds like a large number. I understand that it's already an existing structure in a non-conforming by as much as 10', so to my mind it sounds substantial but in reality it's not as substantial looking at it from that point of view. Also, because it's butting up against a driveway, it's not as though it's butting up against another property owner, the driveway is already there and it's not extending beyond this driveway. The building, although it's beyond the allowed set back, it's really only bringing it to the existing driveway. No, I don't think it's substantial.

Member Sandoval: It's not substantial.

Chairwoman Schneider: I don't believe it's substantial either for the same reasons that have been presented by this board. If it wasn't for the fact that he was in the R100 district, he wouldn't have to be here for this variance.

Member Medina: That's a good point about the R100 district because that's a residential district that this particular building is in which gives it that hardship.

Mr. McKay: Sometimes you speak in terms of a variance being mathematically large and quantitatively large. Member Medina's point is that if it's 23 out of 50, statistically it seems like a large variance but in the context of the large sized lot and the fact that the structure is already there then quantitatively it's not a large variance.

Member Sainato: Right, it's going to be 25' away from the property line when it's complete.

Members Schneider, Sainato, Medina, and Sandoval agree. Member Miller abstains.

Chairwoman Schneider: The next point is whether the request will have an adverse physical or environmental effect. I do not believe that it will have adverse physical or environmental effects.

VILLAGE OF HARRIMAN ZONING BOARD OF APPEALS

FEBRUARY 6, 2019

7:30pm

Member Sainato: I don't believe it will either. I asked if it was going to match the existing construction and you said that it was. It's going to blend right in, just a little larger.

Mr. Buyea: The blue prints are here. The last time they weren't available because we waited until the variance was granted then we moved on with the prints and then we went to the Planning Board and was told there was an error. If you need or want to see them, they are here.

Mr. Buyea shows the Board members the architectural renderings date July 11, 2018, a set of six sheets based upon a discussion with the Board.

Members Schneider, Sainato, Medina, and Sandoval agree. Member Miller abstains.

Chairwoman Schneider: The last factor to consider is whether the alleged difficulty is self-created (which is relevant but not determinative).

Member Medina: I do not believe this to be self-created. I understand why they need to do this.

Chairwoman Schneider: We all agree that this wasn't an alleged difficulty that was self-created?

Members Schneider, Sainato, Medina, and Sandoval agree. Member Miller abstains.

Motion was made by Member Schneider to approve the 23' side line variance being requested by St. Anastasia Church

Second by Member Medina.

Aye: Member Sainato
Member Medina
Member Schneider
Member Sandoval

Nay: -0-

Abstain: Member Miller

Mr. McKay: The 239m referral was made to the County and the County indicated that there were no County-wide impacts and that this was a local determination. The Public Notice was published in accordance with the law and the proper mailings were received. Since this was a Type 2 Action no further SEQRA review is required so the board was able to make its determination this evening without any further information being required.

**VILLAGE OF HARRIMAN ZONING BOARD OF APPEALS
FEBRUARY 6, 2019
7:30pm**

Motion was made by Chairperson Schneider to close the regular meeting of January 2, 2019 at 7:50pm.

Second by Member Sandoval

Aye: Member Sainato
Member Medina
Member Schneider
Member Miller
Member Sandoval

Nay: -0-

Minutes Respectfully Submitted by:

Barbara Singer – Secretary