



Village of Harriman

1 Church Street
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ZONING BOARD OF APPEALS **AGENDA**

FEBRUARY 7, 2024, MEETING

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES –**
 - a. SEPTEMBER 6, 2023**
 - b. NOVEMBER 1, 2023**
- 4. 106-4-6.1 – PUBLIC HEARING FOR HARRIMAN PARK ESTATES LLC**
 - a. AMENDMENT REQUEST TO PRIOR ZBA CONDITIONS**

**NEXT ZONING BOARD MEETING IS SCHEDULED FOR
WEDNESDAY MARCH 6, 2024 @ 7:30PM**

**SUBMISSION DEADLINE FOR THE ZONING BOARD MEETING IS
WEDNESDAY FEBRUARY 20, 2024, BY NOON.**

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FEBRUARY 1, 2024, 7:30 PM
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Chairwoman Sandoval opened the Village of Harriman's February 1, 2024, Zoning Board of Appeals regular meeting at 7:30pm. She welcomed everyone followed by the Pledge of Allegiance and roll call.

Present: Chairwoman Sandoval, Member Paez, Member Sarker, Attorney McKay, and Secretary Hunter.
Absent: Member Miller and Member Sainato

Chairwoman Sandoval made a MOTION to accept the minutes from September 6, 2023.
Second by Member Sarker, ALL IN FAVOR.

Member Paez made a MOTION to accept the minutes from November 1, 2023.
Second by Member Sarker, ALL IN FAVOR.

106-4-6-.1 - Public Hearing for Harriman Park Estates LLC, amendment request to remove prior ZBA conditions:

Chairwoman Sandoval noted the hearing tonight is a request to remove conditions from the original variance received in 1997 regarding uses permitted and prohibited on site. Ground rules for the public hearing is the intent to hear from the public, the board is not obligated to answer any questions, please keep your comments to three (3) minutes, please state your name clearly, and sign in. Attorney McKay acknowledged Attorney Neal Frishberg as the representative for the applicant and he wouldn't be restricted to three (3) minutes to present an overview of the request for the board and public.

Mr. Frishberg – Back on October 6, 1997, the prior ZBA board issued a variance with several conditions. Condition #1 is subject to and condition upon the applicant complying with each and every condition set forth in any Planning Board resolution or approval. Conditions # 4 and 10 are being asked to be removed since there are no dialysis centers looking to rent the space at this location. Condition #8 states there shall be no retail sales at the building, which has stricter parking regulation. Currently have 62 parking spaces at the location. There have been no complaints from area residents.

Chairwoman Sandoval opened the meeting to the public.

Mr. Michael Hagopian resides in Monroe, owns properties nearby. Approval was granted due to the limited use, sixty-eight (68) spots are needed, it is zoned for office space (per code 150 sq ft). When this property was purchased in 2015 the applicant was aware of the conditions and is now trying to get the variance changed. The property tax amount is \$69,000. All comments from Mr. Hagopian including the number of parking spaces approved by the Planning Board in the past. Signed maps are on file with the Village of Harriman and the June 1, 1998, Resolution for Conditional Final Approval from the Planning Board.

Chairwoman Sandoval made a MOTION to close the public hearing with no other comments from the public.
Second by Member Sarker, ALL IN FAVOR.

Discussion between Chairwoman Sandoval and Attorney McKay as to how the board needs to proceed.

Chairwoman Sandoval made a MOTION to go into an attorney client meeting.
Second by Member Paez, ALL IN FAVOR.

Members of the ZBA Board and Attorney McKay left the meeting room at 7:50pm.

Members of the ZBA Board and Attorney McKay returned to the meeting room at 8:06pm.

Chairwoman Sandoval made a MOTION to continue the ZBA meeting.
Second by Member Paez, ALL IN FAVOR.

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Mr. McKay asked Mr. Frishberg since we don't have the site plan this board doesn't know if the Building Inspector will be able to state if you are violating Condition #1. A legal analysis would be that somebody has to find the site plan. Mr. Frishberg asked if the board is willing to do so then perhaps to vote on eliminating Conditions #4, 8, and 10. We would hold Condition #1 in abeyance since we don't know what the site plan states. No tenant for retail currently or office space.

With no further comments from the public, Attorney McKay referred the board members to review the Findings of Fact and Decision starting with page 2.

Attorney Frishberg withdrew the request for Condition #1 to be removed from the prior ZBA variance.

Question #1 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 A MODIFICATION TO THE PRIOR DECISION (area variance)?

Board discussion, it was agreed this would not be a problem, all 3 members concurred.

Question #2 Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than the MODIFICATION OF THE PRIOR DECISION (area variance)?

Board discussion, it was agreed this would not be a problem, all 3 members concurred.

Question #3 Whether the MODIFICATION OF THE PRIOR DECISION is substantial?

After discussion, all 3 board members concurred that there was no issue.

Question #4 Whether the proposed MODIFICATION OF THE PRIOR DECISION (variance) will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

After discussion, all 3 board members concurred that there was no issue.

Question #5 Whether the MODIFICATION OF THE PRIOR DECISION was self-created?

After discussion, all 3 board members concurred that there was no issue.

Attorney McKay advised the board members that if they were to approve the Findings of Fact the applicant would need to meet with the Building Inspector. The ZBA members advised the applicant to meet with the Building Inspector to discuss a path forward related to Condition #1. At this time, the applicant does not need to come back to this board.

Chairwoman Sandoval made a MOTION to approve the Findings of Fact for the removal of Conditions #4, 8 and 10. Second by Member Sarker, ALL IN FAVOR

Member Paez made a MOTION to close the regular meeting of February 1, 2024, at 8:25pm. Second by Member Sarker, ALL IN FAVOR.

Minutes respectively by,

Maria C. Hunter, Secretary