

ZONING BOARD OF APPEALS

AGENDA

JANUARY 2, 2019

7:30 p.m.

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES – JUNE 6, 2018**
4. **ST ANASTASIA CHURCH**
102-4-7.22
AREA VARIANCE

**THE NEXT ZONING BOARD MEETING IS SCHEDULED FOR
WEDNESDAY FEBRUARY 6, 2019 AT 7:30PM
SUBMISSION DEADLINE FOR THE ZONING BOARD MEETING IS
WEDNESDAY JANUARY 23, 2019**

VILLAGE OF HARRIMAN ZONING BOARD OF APPEALS
JANUARY 2, 2019
7:30pm

Chairwoman Schneider: Is the Archdiocese aware of the changes that have been made from 3' to 23'? We don't have an updated letter.

Mr. Buyea: No, I didn't realize that would be necessary. The thing that is being changed is the variance. The building structure is still the same, the lines of the survey are from two different blue prints. The one that was accepted the first time, the survey wasn't done correctly. This was redone, nothing is being changed as far as the structural part of that, so I don't even know why the Archdiocese would need to know that.

Mr. McKay: I looked at the language of the letter from the Archdiocese from the last application. It's written pretty broadly, that indicated that there was authority to go forward. What we are asking is has there been any contact with the Archdiocese, do they know that the church is back seeking a different variance?

Mr. Buyea: No. The only difference is the surveying. They can certainly be told.

Mr. McKay: The only question then is for the Board, and would they accept the letter from the Archdiocese from last year or if the Board would like an updated or re-dated letter. The letter from the Archdiocese did say that they were writing a letter at my request that Reverend Keane is the secretary and Pastor, he is an officer of the Parish Corporation and he has the authority to bind the corporation dealing in all matters before the Village of Harriman including the current building permit and area variance application before the ZBA. Technically, it's not that this is an amended application, so to speak, because they went through the full process the last time, and even granted them the variance and then we all learned later that there was a mistake on the plans. So technically it is a new application, but for the purposes of this Board, as long as the applicant can state that other than the 20', there are no other changes to the application and if they still have the authority from the Archdiocese to go forward, legally I have no objection. If the Board wants to get an updated letter from the Archdiocese, you are within your rights to request that.

Chairwoman Schneider: The letter is dated May 18, 2018. I can see that the measurements are the same as they were on the original plan that was submitted. It would be acceptable to me to accept this letter, if the Board is in agreement.

Mr. McKay: It's the same issue in respect to the EAF. The applicant wasn't asked to submit a new EAF?

Ms. Singer: No, they were not.

Mr. McKay: We do have a copy of the EAF that was submitted in May 2018. This is also a Type II action, so there's no further SEQRA review that's required. If the applicant can confirm that there have been no changes in the prior EAF and this one, I have no legal objection if the Board wants to accept a copy of the prior EAF instead of a new one.

Mr. Buyea: Nothing is being changed.

VILLAGE OF HARRIMAN ZONING BOARD OF APPEALS
JANUARY 2, 2019
7:30pm

Mr. Hager: The physical structure is the same that was presented the last time. There was a discrepancy in the boundary that was shown on the drawing. It's the same building permit application, I amended the denial letter and made mention to the change in receiving the updated plan.

Member Medina: I am noticing now that you have a basement. The plan says "proposed basement storage".

Mr. Buyea: It was always on the plans, I don't even know if they're going to be able to do that. They wanted it on the plans, just in case. That's where all the wires come in. They may not be able to put a storage area in there, it may end up being a slab. It's a little section by where the vestibule is.

Motion was made by Chairperson Schneider that the letter dated May 18, 2018 from the Archdiocese be accepted as nothing has changed.

Second by Member Sainato.

Aye: Member Sainato
Member Medina
Member Schneider
Member Sandoval

Nay: -0-

Motion was made by Chairperson Schneider that the EAF submitted May 16, 2018 having been amended from 3' to 23'.

Second by Member Sainato.

Aye: Member Sainato
Member Medina
Member Schneider
Member Sandoval

Nay: -0-

Mr. McKay: It is a sideline variance, so it would be a Type II Action under SEQRA, so it's exempt from further environmental review. Which is another reason not to make them retype the same form that they have already submitted. I don't recall seeing a copy of the deed. Do you have a copy of the Church's deed? For record keeping purposes I think that would be good to have a copy of that.

Mr. Buyea: I don't have one, but I can get one.

Member Medina: On the site plan, there's now coverage over the sidewalk. Is there any consideration that that will need a variance also?

Mr. Buyea: Yes, but it's all included in the variance. It is a roof cover, for them walking out from the main entrance and it's going right up to where the other door is, that goes into our office. It wasn't protruding out any further

VILLAGE OF HARRIMAN ZONING BOARD OF APPEALS
JANUARY 2, 2019
7:30pm

Mr. McKay: If it's a variance for any structure, no less than 23' variance for any of the structures. If we gave them the variance, it would cover that also.

Chairwoman Schneider: That's what the Village's engineer was asking, if there were going to be any additional sidewalks. Is this a change from the sidewalk?

Mr. Buyea: The sidewalk is the same. It's not coming out any further than the sidewalk. It's just going to be covered.

Chairwoman Schneider: In my opinion, the only thing that we need from you, is the copy of the Church's deed.

Motion was made by Chairperson Schneider to accept Resolution 1 of 2019
Second by Member Medina.

Aye: Member Sainato
 Member Medina
 Member Schneider
 Member Sandoval

Nay: -0-

**VILLAGE OF HARRIMAN ZONING BOARD OF APPEALS
 JANUARY 2, 2019
 7:30pm**

Resolution No.: 1 of 2019

**THE VILLAGE OF HARRIMAN
 ZONING BOARD OF APPEALS
 Roll Call Vote**

Names Ayes Noes Abstain Absent

<i>Chairperson</i> Carol Schneider	X			
<i>Member</i> Lou Medina	X			
<i>Member</i> Laurine Miller			X	
<i>Member</i> Darrin Sainato	X			
<i>Member</i> Reyna Sandoval	X			
TOTAL	4	0	1	0

The following was presented
 By Chairperson Schneider
 Seconded by Member Sainato

Date of Adoption January 2, 2019

**VILLAGE OF HARRIMAN ZONING BOARD OF APPEALS
JANUARY 2, 2019
7:30pm**

**RESOLUTION OF THE ZONING BOARD OF APPEALS OF THE VILLAGE
OF HARRIMAN (“ZBA”) SCHEDULING A PUBLIC HEARING
ON THE APPLICATION OF ST. ANASTASIAS CHURCH – ARCHDIOCESE OF NEW YORK**

WHEREAS, the Zoning Board of Appeals (“ZBA”) of the Village of Harriman has received an application from St. Anastasias Church – Archdiocese of New York hereinafter (the “Applicant”) for a proposed area variance regarding real property situated at Section 102, Block 4, Lot 7.22, in the Village of Harriman, said lot also being known as 21 North Main Street; and

WHEREAS, said lot is located in a R-100 zoning district requiring a minimum side yard set-back of 50 feet for the type of use requested; and

WHEREAS, the proposed expansion would result in an encroachment into the side yard set-back, requiring a twenty-three (23) foot area variance; and

WHEREAS, the Village Building Inspector and Code Enforcement Officer issued a determination on December 5, 2018 denying the request; and

WHEREAS, the Applicant seeks an area variance pursuant to Village Code §140-7, Schedule of District Regulations, Part I, which requests a fifty (50) foot side yard set-back, to obtain a twenty-three (23) foot side yard variance; and

WHEREAS, pursuant to, and in accordance with, the provisions the regulations implementing the New York State Environmental Quality Review Act (“SEQRA”), the ZBA determines that it is the Lead Agency with respect to the Area Variance Application and further determines that the proposed action is a Type II action exempt from further environmental quality review; and

WHEREAS, the ZBA has reviewed the pending application and deems the same complete for the purpose of scheduling a public hearing thereon;

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

1. The ZBA hereby determines that the hearing of the appeal is a Type II action under section 617.5(c)(12) of the regulations implementing SEQRA, and accordingly no further environmental review is required;
2. The ZBA hereby schedules a public hearing on this proposed action for **February 6, 2019 at 7:30 p.m.**; and

3. The ZBA directs the Village Clerk to publish a notice of the public hearing, in compliance with §140-52 of the Code, to be held on **February 6, 2019** at **7:30 p.m.** at the Village Hall to review the proposed appeal and to make such referrals of the application to the Orange County Department of Planning for General Municipal Law 239-m review.

**BY ORDER OF THE ZONING BOARD OF APPEALS OF THE
VILLAGE OF HARRIMAN, NEW YORK.**

DATED: January 2, 2019

Barbara Singer, Deputy Village Clerk

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

Second by Member Medina

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

Nay: -0-

Minutes Respectfully Submitted by:

Barbara Singer – Secretary