

VILLAGE OF HARRIMAN ZONING BOARD OF APPEALS

June 6, 2018

7:30pm

Opened the ZBA Meeting with the Pledge of Allegiance

Roll Call

The following persons were present:

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

Chairperson Schneider: Are there sufficient funds in the applicant's escrow account to proceed?

Ms. Singer: As of today, I haven't received any invoices, so there are sufficient funds.

Chairperson Schneider: The proof of mailings are complete?

Ms. Singer: Yes.

Motion was made by Chairperson Schneider to open the Public Hearing

Second by Member Medina.

Aye: Member Sainato
Member Medina
Member Schneider
Member Miller

Nay: -0-

Public Hearing

St. Anastasia Church

102-4-7.22

Area Variance

Member Miller recuses herself.

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

Chairperson Schneider: Is there anyone from the public that would like to speak regarding this project?

Mr. Kelly, Oxford Lane: I'm pretty comfortable with what's going on.

Chairperson Schneider: The overall scope of this project is that you're going to be adding to be encroaching 3' into the side yard to be able to comfortably bring in coffin so that you have the turning radius. We have the letter from the Arch Diocese.

Mr. McKay: My office received correspondence from the Vicar General, based upon my office's request to ensure that the applicant had the consent of the Arch Diocese to proceed with the application. I have reviewed it and, in my opinion, the applicant has all rights to proceed with the application.

Member Sainato: The project is going to follow the architecture of the chapel now?

Mr. Buyea: Yes, it is. It is our intent to make it look like it was built in 1899. The plans will be finished, we just didn't want to proceed until we knew that this was acceptable.

Member Medina: Nothing has changed since last month when you presented this to us?

Mr. Buyea: No, nothing has changed.

Mr. McKay: The application is for a variance of 3' from the 50' side line.

Member Sainato: He's 3' short of not needing a variance.

Mr. McKay: Correct.

Chairperson Schneider: And that's because this is considered a commercial property, requiring a 50' side yard. If this was residential he would only be required to have a 20' side yard.

Mr. McKay: The Board referred this, pursuant to municipal law 239m to the county and we did receive a response from Orange County Department of Planning that this is a local determination. The County does not have any comments.

Chairperson Schneider: There are five factors that need to be considered, so let's discuss them now. 1. 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 area variance; I do not believe so, this is a 3' variance into a 50' sideline.

Member Medina: I would say no also.

Member Sainato: I agree, this is a very small variance.

Chairperson Schneider: 2. the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; I do not believe so.

Member Medina: I would say no also to that.

Member Sainato: I think this is the only way to do it.

Chairperson Schneider: 3. the requested area variance is substantial; I do not believe it to be substantial at all. It's only a 3' variance that's being requested.

Member Sainato: I agree.

Member Medina: I agree also. I think it's important to note that as long as it's steady to that, a 3' encroachment.

Mr. Buyea: We don't plan on changing that.

Mr. McKay: If they went to the Planning Board and there were some changes to the plans, they would have to come back to this Board for further variances.

Chairperson Schneider: 4. the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; I would say no it will not. I think that it would blend in with what's there now.

Member Medina: I would say that I don't either, based on what the answer that Darrin got to his question.

Member Sainato: I think that it would blend right in. Nobody from the neighborhood came to the Public Hearing.

Chairperson Schneider: 5. the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance. I do not believe that it was self-created. The building was built in the 1800's, things were much different then. I do not believe this has been a self-created situation.

Member Sainato: I don't think so either.

Member Medina: I agree.

Chairperson Schneider: Those are the five factors that we've discussed. We've all discussed them, and we are all in agreement on each of the five factors.

Motion was made by Chairperson Schneider to approve the area variance.

Second by Member Sainato.

Aye: Member Sainato
Member Medina
Member Schneider
Nay: -0-

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

Second by Member Medina.

Aye: Member Sainato
Member Medina
Member Schneider
Nay: -0-

Chairperson Schneider: The minutes from October 18, 2017 were waiting for approval from Member Sainato, myself and Member Crover. Member Crover is no longer with this Board.

Motion was made by Member Schneider to approve October 18, 2017 minutes.

Second by Member Sainato.

Aye: Member Sainato
Member Schneider
Nay: -0-

Motion was made by Member Schneider to approve May 16, 2018 minutes.

Second by Member Medina.

Aye: Member Sainato
Member Medina
Member Schneider
Member Miller

Nay: -0-

Motion was made by Chairperson Schneider to close the regular meeting of June 6, 2018 at 7:50pm.

Second by Member Sainato.

Aye: Member Sainato
Member Medina
Member Schneider
Member Miller

Nay: -0-

Minutes Respectfully Submitted by:

Barbara Singer – Secretary