

**VILLAGE OF HARRIMAN ZONING BOARD OF APPEALS**

**MAY 5, 2021**

**7:30 pm**

Chairperson Sandoval opened the Village of Harriman’s May 5, 2021 Zoning Board of Appeals regular meeting at 7:30pm.

**Opened the ZBA Meeting with the Pledge of Allegiance**

Chairwoman Sandoval: Just a reminder of the Covid 19 protocols, if you’re sitting down and you’re social distant you can take your mask off. But as soon as you get up, you need to put your mask back on.

**Roll Call**

The following persons were present:

- Reyna Sandoval - Chairwoman
- Darrin Sainato – Member
- Christine Paez - Member
- Joseph McKay, Esq.
- Kimberly DeSocio, Building Inspector
- Barbara Singer – Deputy Clerk/Secretary

The following persons were absent:

- Laurine Miller - Member

**Motion** was made by Chairwoman Sandoval to approve the February 3, 2021 minutes.

**Second** by Member Sainato

**Aye:** Chairwoman Sandoval  
Member Sainato  
Member Paez

**Nay:** -0-

**LEWIS BEAL III**

**106-5-1.1**

**RESIDENTIAL AREA VARIANCE**

**Present:** Lewis Beal III, Owner

Chairwoman Sandoval: I see that you’re looking for a 6’ variance for the front of your property because you’re looking to build a porch. I did look at the plans, everyone has the plans, does anyone have any questions?

None of the Board members have any questions.

Chairwoman Sandoval: You’re supposed to have a 40’ variance from the street and currently approximately 30’ available but that’s prior to the Code being put in place. And you’re asking for a 6’ variance which would bring the front yard to 24’. Is that accurate?

Mr. Beal: Yes.

Mr. McKay: I think the setback is 16’ variance with the understanding that it’s already non-conforming because it was constructed prior to the Code.

Mr. Beal: It was constructed in 1954.

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Chairwoman Sandoval: I see that the applicant filled out all of the paperwork that was required for us to review. Do you (Mr. McKay) have any concerns that you would like to call out that we should look at.

Mr. McKay: I don't really have any concerns; I did think that when we got to the Public Hearing on the EAF (environmental assessment form) there might be some questions that weren't correctly answered but that's more of a technical issue. I believe that the application was complete, he did file the SEQRA form, provided a sketch. Looks like a straightforward issue. I don't need anything from a legal standpoint. If the Board wants more information as we go along, that's different.

Chairwoman Sandoval: From my perspective, I did see that all of the documentation was there. Are there any concerns or questions that Darrin (Sainato) or Christine (Paez) want to address? I saw this a straightforward request.

Member Paez: No

Member Sainato: No.

Chairwoman Sandoval: Mr. Beal, can you just tell us a little about your project?

Mr. Beal: I'm doing some remodeling. There are two existing front porches are separate on the two doors. I'm replacing the two doors; they are original from when the house was built in 1954. So instead of putting back the same thing, I want to put a covered porch in that spans the front of the house. I think it would improve the appearance of the house and it would make it more usable.

Chairwoman Sandoval: Are you looking to protect the house? Or is it just to improve the look and usability of the property?

Mr. Beal: It will definitely help protect the front of the house against the weather. It's not across the whole house, just a 45' section. That way you could walk from one door to the other and it'll be covered in the winter which it isn't now. Safer, more modern and it'll be a nice place to sit and I think it'll look a lot better than it does now. I had the architect to design it so it looked like it was built with the house, that was important to me. I wanted it to look like it was original. The architect drew it up a few ways, but this was the one that goes with the house the best. I didn't want to replace what was there because it's not really functional and usable, I think this is a lot nicer.

Chairwoman Sandoval: Thanks, that makes sense.

Mr. McKay: I have one question, it's tough to read the dimensions, they're written in red. I think it might be a good idea, for the record, if we could get exact dimensions, if you could read them off. Right now, there's a line that 30'4" to a point, now that's the front of the dwelling?

Mr. Beal: Right.

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Mr. McKay: Are there two porches?

Mr. Beal: yes, there's a similar porch over here that you can't see that's behind the bushes. If you're looking at the house, it would be on the right. The other is the main entrance and that sticks out a little bit further, that's where they're measuring for the variance.

Mr. McKay: So, the edge of the new porch to the property line is going to be 24'6"?

Mr. Beal: Correct.

Member Sainato: The existing porches now are open? There's no roof coverage? So you're going to create a roof over the entire porch?

Mr. Beal: No, there's no roof coverage, I want to have it across the entire front. That's part of the reason it's so damaged because of the snow and ice and water. They're masonry.

Member Sainato: Does the roof create a catch basin issue with the new roofline?

Mr. McKay: There are two existing roofs, which are basically the same dimension as the new roof there's not going to be any stormwater issues. The same amount of water should remain on the property. It's not presently being disbursed off the property, so I don't see that as an issue. The reason that I ask specifically, we need a 40' setback from the front of the new (to be constructed). The distance between the edge of the newly constructed porch to the property line is 24.6' so that leave 15.4' for the variance. That's why I wanted to clarify the numbers. It's not going to be that exact, of course, you have to have some lee way for the construction. Generally speaking, let's call it 16' so the applicant has some lee way if there's an issue with the construction of if they need to change some materials or something. That was really my only question.

Chairwoman Sandoval: Also given the fact that he doesn't have 40' today, he has 30' setback. Even though 40' setback is required by the Code. The house was built prior to the Code.

Mr. McKay: His property is already non-conforming. Exactly as you say, the house was built in 1954, it was built within 30'4" of the property line. If it were built today, it would have had to be built 40' back. I did check the Code, sometimes there's an issue where you have pre-existing, non-conforming use of dimensions. Some Codes say either you can't expand a pre-existing, non-conforming use or you can only expand it only a certain percentage. The Harriman Code does have provisions, but it doesn't have anything that would apply to this situation. There's no prohibition in the Code that would prevent the Board from granting the variance if that's what they wanted to do.

Chairwoman Sandoval: I don't have any further questions. As far as the next step, a Public Hearing that is required.

Mr. McKay: This is a side setback variance. Procedurally, we've already received the local determination from the County because it's within 500' of the State road. I have a resolution for the Board which state that the Board is going to be the Lead Agency for the determination of the variance and since this is a side setback, this is a Type 2 Action under SEQRA. So, your

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SEQRA determination is complete, no further environmental examination is required. If the Board deems the application complete, there are no further questions, you can make a motion to schedule a Public Hearing. I have a draft resolution for you to look at. I have tentatively, depending on what the Board wants to do, put June 2, 2021 as the date for the Public Hearing. The draft resolution that I've provided gives the details on the application, it makes the SEQRA determination that it's Unlisted, it schedules a Public Hearing for June 2, 2021 and directs the Village Clerk to publish the notice of the Public Hearing in no less than 5 days prior to the Public Hearing. I have a hard copy of the Public Hearing notice that I will give to the clerk now. I didn't see an e-mail so I will follow up and get you an electronic copy tomorrow. The applicant would have to mail a copy of the notice to anyone 300' to any adjoining properties prior to the Public Hearing.

**Motion** was made by Chairwoman Sandoval to accept the resolution and schedule the Public Hearing.

**Second** by Member Sainato

**Aye:** Member Sainato  
Member Paez  
Chairwoman Sandoval

**Motion** was made by Chairwoman Sandoval to close the regular meeting of May 5, 2021 at 7:50pm

**Second** by Member Paez

**Aye:** Member Sainato  
Member Paez  
Chairwoman Sandoval

**Nay:** -0-

Minutes Respectfully Submitted by:

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Barbara Singer – Secretary