

**VILLAGE OF HARRIMAN ZONING BOARD OF APPEALS**

**September 6, 2017**

**7:00pm**

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

**Roll Call**

The following persons were present:

- Charles Crover - Member
- Darrin Sainato - Member
- Carol Schneider – Member
- John Hager, Building Inspector
- Barbara Singer – Deputy Clerk/Secretary
- Joseph McKay, Esq.
- Jennifer McCave, Esq.

The following persons were absent:

- Laurine Miller – Chairperson

**Right Choice Builders**

**101-2-1.12**

**Discussion**

Present: David Niemotko, Architect

Member Crover: We have a draft decision on the interpretation and then we can discuss the three variances possibly provide the decision on that tonight.

Mr. McKay: This an in depth decision, if you wanted to ask questions about it or make clarifications, I would suggest that you do that in attorney/client session. Then if the Board wants any changes, we can take those notes and finalize it but you would be able to act on a decision tonight if you wanted.

**Motion** was made by Member Schneider to enter into Attorney/Client Session

**Second** by Member Sainato.

**Aye:** Member Crover  
Member Schneider  
Member Sainato

**Nay:** -0-

**Motion** was made by Member Schneider to return from Attorney/Client Session and return to the regular meeting.

**Second** by Member Sainato.

**Aye:** Member Crover  
Member Schneider  
Member Sainato

**Nay:** -0-

Member Crover: We just reviewed the attorney's draft decision on the interpretation, there were a couple of minor changes to it, and we printed it out so we can sign it tonight and give you a copy. It's a favorable decision based on our discussions with clarification on packaging and

fulfillment centers. Hopefully there will be no confusion for the Planning Board, Building Inspector or the Village Board.

Mr. McKay: Member Crover will sign this tonight, the Village Clerk will sign it tomorrow, and it will be filed officially and scanned and sent to you.

Member Crover: At this time I would like to authorize the attorneys to draft a decision on the three area variances based on our discussions and deliberations at the last meeting. If they can e-mail it to us for review and at the next meeting we can sign that.

Mr. McKay: If the Board were to make a different decision tonight, they wouldn't have reached the variance questions. That's the reason for holding off on the variance determinations. As a point of clarification, the reason it was done this way was because the Board had to formally make a determination in respect to the interpretation the way they did otherwise the Board wouldn't have reached the variances. So we are preparing a draft decision on the variances for the next meeting.

Mr. Niemotko: Just as a matter of procedure, as you draft your preliminary decision of the three variances will it still be open to discussion at that meeting?

Mr. McKay: No, we have closed the Public Hearing and the Board has deliberated. There was no vote. We are going to prepare a draft decision for the Board and just as we did tonight, we're going to try to have it in final form when we get here and if the Board has a couple of changes, maybe we can try to finalize it right there and then, like we did tonight.

**Motion** was made by Member Schneider to accept the decision on code interpretation regarding application filed by Right Choice Builders Inc., for proposed construction and use of a structure for combination of office space and commercial storage in the B-2 zoning district.

**Second** by Member Sainato.

**Aye:** Member Sainato  
Member Crover  
Member Schneider

**Nay:** -0-

**Motion** was made by Member Schneider to close the regular meeting of September 6, 2017 at 8:50pm.

**Second** by Member Sainato.

**Aye:** Member Sainato  
Member Crover  
Member Schneider

**Nay:** -0-

Minutes Respectfully Submitted by:

---

Barbara Singer – Secretary