

**Village of Harriman
Zoning Board of Appeals
August 21, 2013
7:30pm**

Call to Order

- Chairperson Laurine Miller called to order the Zoning Board of Appeals Public Hearing Meeting at 7:35pm on August 21, 2013 at the Village of Harriman Hall located at 1 Church Street, within the Village of Harriman, New York.

Roll Call

The following persons were present:

- Laurine Miller – Chairperson
- Edward Ford – Member
- Colleen Farrell – Member
- Carol Schneider - Member
- Jane Leake – Deputy Clerk

Also Present

- Joe McKay – Village Attorney
- Ron Walker – Building Inspector

Absent

- Chuck Crover - Member

Adoption of Minutes

- Motion to adopt minutes from July 3, 2013 meeting, made by Member Farrell and seconded by Member Ford. *4 Ayes. 1 Absent Member Crover.*

Old Business

- The ZBA held a Public Hearing for the Kindlain application on 4 Oxford Lane. Proper service of notice of the Public Hearing was provided by the applicant by filing the return receipts with the deputy clerk. The applicant provided documents and spoke at the Public Hearing. No members of the public were present.

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- Motion to grant the 8' fence variance on part of the property at 4 Oxford Lane was made by Member Farrell and seconded by Member Ford. *4 Ayes and 1 absent Member Crover.*

- Motion to close the Public Hearing at 7:48pm was made by Member Laurine Miller and seconded by Member Farrell. *4 ayes, 1 Absent Member Crover.*

New Business

Richard Sarajian, Esq. represented Loyal Tire, 152 Route 17M, Village of Harriman, New York on an appeal for a fence permit. Mr. Sarajian stated that the applicant did not believe a site plan approval was necessary under the Village Code because the fence is not a permanent structure. It is not permanently fixed to the ground or attached to anything. The applicant also requesting a variance from compliance with the Village Code's site plan requirements, Mr. Sarajian will provide a copy of the certificate of occupancy for the existing fence.

Motion to adopt the following resolution made by member Colleen Farrell and seconded by Carol Schneider:

WHEREAS, the Zoning Board of Appeals ("ZBA") of the Village of Harriman has received an application from Michael Hagopian appealing a decision of the Building Inspector that would require the applicant to obtain site plan approval for a fence installation and operation of a new business, and also seeking a variance from the fence regulations set forth in Chapter 76 of the Village Code, for the parcel of real property situated at Section 102, Block 4, Lot 4.2, in the Village of Harriman, said lot also being known as 152 Route 17M; 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 IT IS HEREBY

RESOLVED, pursuant to, and in accordance with, the provisions of Section 617.6 of the regulations implementing the New York State Environmental Quality Review Act ("SEQRA"), the ZBA determines that the proposed action is an action subject to SEQRA; and it is further

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RESOLVED, that the Village Board hereby determines that it will be the Lead Agency with respect to the consideration, review and determination of the significance of the aforementioned appeal and variance request pursuant to SEQRA regulation section 617.6(b)(1)(i), since there are no other agencies that have the authority to approve the project; and it is further

RESOLVED, that pursuant SEQRA regulation section 617.5(c)(12), the ZBA hereby preliminarily classifies the aforementioned proposed action as an unlisted action; and it is further

RESOLVED, that a public hearing be held by the ZBA on September 19, 2013 at 7:30 p.m. at the Village Hall located at 1 Church Street, Harriman, New York in order to receive comments concerning the aforementioned variance request; and it is further

RESOLVED, that the Village Clerk and/or the Deputy Village Clerk are hereby authorized and directed to refer the application to the Orange County Planning Department as required by General Municipal Law § 239-m; and it is further

RESOLVED, that the Village Clerk and/or the Deputy Village Clerk are hereby authorized and directed to cause public notice of said hearing to be given as provided by law.

- Motion into executive session for legal advice at 8:40pm by Member Farrell, and seconded by Member Schneider. 4 Ayes, 1 absent Member Crover.
- Motion out of executive session at 9:08pm made by Member Farrell, seconded by Member Schneider. 4 Ayes, 1 absent Member Crover.

Adjournment

- Motion to adjourn the meeting made by Member Schneider, seconded by Member Farrell at 9:08pm. 4 Ayes, 1 absent Member Crover.

Minutes Respectfully Submitted by:

Jane Leake – Deputy Clerk