

**Village of Harriman  
Zoning Board of Appeals  
December 4, 2013  
7:30pm**

**Call to Order**

- Chairperson Laurine Miller called to order the Zoning Board of Appeals Public Hearing Meeting at 7:40pm on December 4, 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
- Chuck Crover - Member
- Jane Leake – Deputy Clerk/Secretary

**Also Present**

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

**Absent**

- Carol Schneider - Member

**New Business**

**LOYAL TIRE PUBLIC HEARING**

**102-4-4.2**

- The ZBA will keep the Public Hearing open due to the fact that the OC Planning Department did not receive the EAF, which was just submitted on December 3, 2013. In regards to the one mailing that was not done they now will be able to send the notice to that applicant. Mr. Sarajian stated the Appeal covers the Order of Remedy that was filed on April 5, 2013 and the Letter of Denial from the Building Permit of April 18, 2013. If you should find any revisions of the Zoning Code do apply we will ask you to give a variance for those requirements. Since the violation has been issued there have been changes. We removed the attachments so it was no longer attached to the 6 foot

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fence per Mr. Oster's request. Mr. Sarajian feels that once it became detached, site plan approval was not necessary for it because it was no longer a structure because it was not permanently affixed to the ground or to anything that was permanently affixed to the ground. We can pick it up with our hands. This is why we are saying it is not permanently affixed. How it is affixed doesn't make it temporary or not. How it is used makes it temporary or not is Mr. Sarajian argument on his definition of temporary. Therefore, he feels this has become a permanent/temporary issue not a subdivided issue. The question really comes down to temporary. The ZBA would like to see the Town of Woodbury's required requirements for their impounded cars. In regards to it being considered a second business, Mr. Walker feels the sign makes it a second business, which Mr. Sarajian does not feel a sign makes it a second business. Mr. Sarajian stated the second question is assume you disagree with everything I say and you believe 6 inches in the ground makes it permanent or you believe that because it is not affixed into the ground it is temporary. Then we ask that you evaluate the requirements and wave the requirements of the site plan approval. There is not a single portion of the general requirements of a site plan approval that are changed by this fence on exhibit A. There were no comments from the Public. Mr. McKay asked that Mr. Sarajian send him a copy of the four exhibits he has to him so they can be distributed to the ZBA Members.

- Motion to continue the Public Hearing for Loyal Tire, 152 Route 17M for January 8, 2013 at 7:30pm for a fence variance permit was made by Member Crover and seconded by Member Farrell. 4 Ayes. 1 Absent Member Schneider:

**Call to Order**

- Chairperson Laurine Miller called to order the Zoning Board of Appeals Regular Meeting at 9:10pm on December 4, 2013 at the Village of Harriman Hall located at 1 Church Street, within the Village of Harriman, New York.

**Adoption of Minutes**

- Motion to approve the minutes from October 2, 2013 meeting was made by Member Crover and seconded by Member Farrell. 4 Ayes. 1 Absent Member Schneider.

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- Motion to approve the minutes from November 6, 2013 meeting was made by Member Farrell and seconded by Member Ford. *4 Ayes. 1 Absent Member Schneider.*

**Old Business**

**VINCENT & KAREN KRILL AREA VARIANCE  
105-2-45**

- The ZBA has informed the applicant, Vincent & Karen Krill of 28 Kensington Way, in regards to the pool area variance that they are in receipt of the completed ZBA application and the site plan as requested and the ZBA secretary has forwarded their completed Environmental Assessment Review Form to the Orange County Planning Department. The ZBA Board asked for the Krill's to bring a copy of their deed so they can view it to see if they have an easement to the right-of-way that there is a condition in there that will not hold this Board of the Village liable by granting the variance. If there is an issue you will have to take it up with Orange & Rockland not this board. Therefore, the ZBA Board authorized the ZBA secretary to schedule a Public Hearing for the January 15, 2014 meeting. Mr. & Mrs. Krill will receive the mailing list and notice prior to meeting that will need to be mailed by certified return receipt. All proof of returned mailing cards and receipts need to be returned to the ZBA secretary on or prior to the January 15, 2014 ZBA meeting.
- Motion was made by Member Farrell that the application is complete for the purposes of designating the ZBA of the Village of Harriman as Lead Agency for SEQRA, setting a Public Hearing for the application and also to determine any potential adverse environmental impacts pursuing SEQRA. Designation of the application as an unlisted action under SEQRA. Authorizing the clerk to publish the publication in the Times Herald Record. To provide notice to the adjourning municipalities and other interested agencies as may be necessary. Seconded by Member Miller.

**WLADYSLAW KINDLAIN FINDINGS OF FACT & DECISION  
105-2-21**

- Motion was made by Member Farrell to approve the Kindlain Finding of Fact & Decision, seconded by Member Crover. 4 Ayes, 1 absent Member Schneider.

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**Adjournment**

- Motion to adjourn the meeting made by Member Farrell, seconded by Member Crover at 9:28pm. 4 Ayes, 1 absent Member Schneider.

Minutes Respectfully Submitted by:

Jane Leake – Deputy Clerk/Secretary