

**Village of Harriman  
Zoning Board of Appeals  
January 15, 2014  
7:30pm**

**Call to Order**

- Chairperson Laurine Miller called to order the Zoning Board of Appeals Public Hearing Meeting at 7:40pm on January 15, 2014 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/Secretary

**Also Present**

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

**Absent**

- Chuck Crover - Member

**Old Business**

**LOYAL TIRE PUBLIC HEARING - CONTINUATION**  
**102-4-4.2**

- Motion was made indicating that this will be the final adjournment for Loyal Tire, 152 Route 17M continuing the Public Hearing at the February 5, 2014 meeting at 7:30pm for a fence variance permit was made by Member Farrell and seconded by Member Ford. *4 Ayes. 1 Absent Member Crover.*

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

- All certified return receipt mailings were returned to the ZBA for the Public Hearing, with an exception of 6 green cards that were not returned.

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- MOTION was made by Member Farrell to close the Krill Public Hearing at 7:53pm. Seconded by Member Ford. *4 Ayes. 1 Absent Member Crover.*
- Motion was made by Member Farrell to adopt the resolution granting the resolution with the amended changes and in addition Mr. & Mrs. Krill made a representation that they will hold the Village harmless with respect to any matter that O&R might have with respect to the pool being in the right-of-way which will be added to the resolution.

**WHEREAS**, on January 15, 2013, the ZBA conducted a public hearing in order to receive comments concerning the aforementioned variance application;

**NOW, THEREFORE, IT IS HEREBY**

**RESOLVED**, that based upon the documentation and information submitted at the public hearing, this board hereby determines that the within application for an area variance is a Type II action under SEQRA; and it is further

**RESOLVED**, that the ZBA hereby determines, based upon a survey dated November 12, 2013, prepared by Sparaco & Youngblood, PLLC, that the applicants' above ground pool is installed between approximately 9.7 feet and 9.9 feet from the northerly property line, requiring a variance from Chapter 140 of the Village Code, Attachment 1, Schedule of District Regulations Part 1, Accessory Uses (7), that requires pools to be set back ten (10) feet from the property line, such that the applicants' require a variance of between .30 feet and .10 feet; and it is further

**RESOLVED**, that the testimony provided by the applicants at the public hearing, along with the information provided in their application, and their preparation and submission, at the ZBA's request, of the survey cited above, that:

- (1) the requested variance will not produce an undesirable change in the character of the neighborhood or a detriment to neighboring properties;
- (2) there are no feasible options for the applicant to pursue, other than to seek the area variance requested;
- (3) the requested area variance is not quantitatively substantial;
- (4) the variance will not adversely affect the physical or environmental conditions in the neighborhood or district;
- (5) that the alleged difficulty was self-created; and it is further resolved

**RESOLVED**, that the variance application is approved, and the applicants

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are hereby granted a variance of .03 feet from the ten (10) foot sideline requirement of Chapter 140 of the Village Code, Attachment 1, Schedule of District Regulations Part 1, Accessory Uses (7), on the condition that (1) should the structure be removed or relocated, it would be relocated so that it conforms to the sideline requirement; and (2) based upon the Krill's acknowledgment that this decision has no effect on their rights and obligations with respect to the structure's possible encroachment into the utility easement area, this approval is further conditioned on the Krill's agreement to hold the Village of Harriman harmless for any violation of the right-of-way/utility easement; and (3) subject to the applicants' payment of any and all outstanding fines, fees or other costs to the Village.

**Call to Order**

- Chairperson Laurine Miller called to order the Zoning Board of Appeals Regular Meeting at 7:55pm on January 15, 2014 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 December 4, 2013 meeting was made by Member Farrell and seconded by Member Ford. *4 Ayes. 1 Absent Member Crover.*

**New Business**

Mr. McKay addressed the Board asking them to consider on making future escrow fees for all applicants.

**HARRIMAN BUS TERMINAL  
106-2-1 & 2**

- Mr. Sweeney stated with regards to escrow, if there is an escrow that the Board establishes we will pay it. Harriman Bus Terminal is asking for a 2 prong variance. 1) buffer zone and 2) the 10 foot street line requirement.
- Therefore, the Board would like to review the application along with asking them to submit a letter amending the application in regards to the 10 foot street-line and submit the 239 application for the fence variance which needs to go to the County Planning Department. They will also need a Public Hearing which will take place at the March 5, 2014 meeting. Mr. McKay informed Mr. Sweeney that the Village Code has changed in respect to the Village requirements, which is certified return receipt. Mr. Sweeney stated they will follow the letter of the new law. Mr. Sweeney will also send an amended letter correcting the Zoning District.

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- The ZBA adopted a resolution pursuant to SEQRA designating itself as Lead Agency with respect to the consideration, review and determination of the significance of the aforementioned variance application, a preliminarily resolution classifying the proposed action as a Type II action under SEQRA and scheduled a public hearing in order to receive comments concerning the aforementioned variance application.
- Motion was made by Member Farrell to adopt the draft resolution with the following changes: 1) that the third line, first whereas, will eliminate the buffer requirement of section 140-18 and 2) to eliminate the no parking requirement within 10 feet of the street line and also that it will resolve that the Public Hearing will be held on March 5, 2014, seconded by Member Schneider. *4 Ayes. 1 Absent Member Crover.*

**WHEREAS**, the Zoning Board of Appeals (“ZBA”) of the Village of Harriman has received an application from J&M Harriman Holding Corp., seeking variances from Village Code section 140-18[A] that would (1) eliminate the buffering requirements of that section and (2) eliminate the "no parking permitted" restriction within ten (10) feet of the street line, for the parcel of real property situated at Section 106, Block 2, Lots 1, 2, and 5, in the Village of Harriman, said lots being located at the intersection of Route 17M and Ramapo Street; 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

**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 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 to SEQRA regulation section 617.2(ak), 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 March 5, 2014 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

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**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 other appropriate Interested Agencies; 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 was made by Member Farrell at 9:13pm to go into a closed session with council, seconded by Member Schneider.
- Motion was made by Member Farrell at 9:23pm to come out of Executive Session, seconded by Member Schneider.

**Adjournment**

- Motion to adjourn the ZBA meeting at 9:23pm was made by Member Farrell, seconded by Member Ford. *4 Ayes. 1 absent Member Crover.*

Minutes Respectfully Submitted by:

Jane Leake – Deputy Clerk/Secretary