

**Village of Harriman
Zoning Board of Appeals
October 7, 2015
7:30pm**

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Opened the ZBA Meeting with the Pledge of Allegiance

Roll Call

The following persons were present:

- Laurine Miller – Chairperson
- Darrin Sainato - Member
- Sandra Daly - Member
- Ron Walker – Building Inspector
- Barbara Singer – Deputy Clerk/Secretary

Also Present

- Joseph McKay, Esq

Absent

- Chuck Crover - Member
- Carol Schneider – Member

Mr. McKay handed out copies of a letter to the Board from Ben Ostrer's office.

Adoption of Minutes

Motion to approve the minutes from the August 5, 2015 Regular meeting was moved to the November 4, 2015 meeting due to the fact there was no quorum as Chairperson Miller had recused herself the August 5, 2015 meeting was made by member Daly. Seconded by Member Sainato. All in favor.

Call to Order

Chairperson Miller called to order the Zoning Board of Appeals Regular Meeting at 7:30pm on October 7, 2015, at the Village of Harriman Hall located at 1 Church Street, within the Village of Harriman, New York.

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**Steinman 20' x 40' Swimming Pool
Residential Area Variance
106-1-30.1**

Present: Mr. Daniel Steinman

Mr. Steinman states that we are looking to get an in ground pool that would be 20' by 40'. It will render our land more usable. The land where it will be is still a bit unlevel, we're going to level the area when they put the pool in to give us some more usable space. I wanted to have a larger pool that what is currently permitted to allow more space for a larger shallow end, and still allow for a diving deep end. As well as having the pool for exercise purposes. The allowable square footage size would be about a 16' by 30' pool, which is a pretty short pool if it's being used for laps. And the other reason that I was hoping that it would be permitted was because we wouldn't be encroaching on any of the other regulations as far as how close we can be to the property line. In fact the pool on both sides is still a little less than twenty feet from the property line, side to side and significantly more from the back line of the property. I don't know if it has any bearing on it but if we were to get a 16' by 30' pool, which we're really not interested I doing, the price difference is so minimal it's unbelievable.

Member Sainato asks are you looking to do this this year still

Mr. Steinman replies probably not. It depends how soon we find out if we can go. It's possible, but probably not.

Member Daly states that she would like to go look at the property. Bigger pool, more people, more noise on the neighbors' maybe.

Mr. Steinman states that it would be a small difference, especially in width, as far as the neighbors. We're talking about two feet on each side. The neighbor to the left that house is not occupied; the house itself is over 150' away. The neighbor to the right about the same. But you are more than welcome to see the space. I have flagged it out; just for the measurement size and you can see that it is very well centered in the yard. I don't know when the pool size regulation was made but I do know some of the lots on Main Street that are closer in do have smaller yards. Perhaps a pool our size would encroach on those distances. Here the pool will be well in to the property and we will put up a fence as well.

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Member Daly asks is there a house behind you there? That's on Rte. 17M? Is that the proper distance from the pool?

Mr. Steinman answers yes. I would say the end of the pool is about fifty feet from that property line. We are going to put up a fence in the back there as well which will also help reduce the noise from Rte. 17M.

Member Sainato asks you want it bigger so that you can get a larger shallow area for your children and a larger deep end.

Mr. Steinman explains a deep end has to be a certain length so that if you dove into the pool you wouldn't hit the bottom. To get a deep end long enough, you would get a very small shallow end, and my kids are young. They both know how to swim but they spend a lot of time in the shallow end. This is something that we are going to get a lot of use out of. My children are very young, I am a school teacher so I am home in the summer, and it's something that will help us to enjoy our property.

Mr. McKay states you submitted a Short Environmental Assessment Form.

Mr. McKay goes through the assessment form with Mr. Steinman making the appropriate changes so that the form could be submitted to the County for review before the next Zoning Board meeting. He also states that a 239M form needs to be completed and filed with Orange County Planning Department along with the Short Environmental Assessment Form. This should be done as soon as possible to allow the County to respond before the next meeting on November 4th.

Member Sainato asks would you consider a smaller pool.

Mr. Steinman answers I don't know. The cost difference between the two sizes is minimal, and a 16 x 24 is a very small in ground pool. I don't know what we would do. I know that we are very considerate neighbors, we don't make large noises, we have taken great care of our property, and we would take very good care of this pool. I think that it will add value to the home; it will generate more tax revenue and add to the overall character of the neighborhood.

Chairperson Miller states the only thing that I'm concerned about is that there is wetland there. The Building Inspector said that the wetland doesn't come over to your property but do you have definite proof that it doesn't.

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Mr. Steinman says that he has visual proof. I mean that our lawn goes up to the edge of the wetland there. The edge of the pool itself would be almost fifteen to twenty feet from that edge. We have nothing behind our property. Our neighbors have it behind them.

Chairperson Miller states I just want to make sure because once you put a pool in and then you have a problem, it's a problem. There is wetland in that area.

Discussion broke out.

Members Daly and Sainato made arrangements with Mr. Steinman to see the property where the pool is proposed to be.

Mr. Steinman states that once a fence is installed the pool wouldn't even be visible from the road. I spoke with the neighbors, the most immediate neighbor, right next door said that she was happy for me. The neighbor behind me doesn't live there full time but when I see him, I will definitely mention it to him as well. And the other house, there's nobody there.

Member Daly states that we will meet again next month after we have more information.

Mr. McKay explains that all requested variances require a Public Hearing. I brought a draft resolution if you want to adopt it tonight. Unless the Board feels the application is not complete, I think what you can do tonight is schedule a Public Hearing, refer it to the County. We will probably get the County's response before the November meeting.

Motion was made by member Daly to schedule a Public Hearing for the next meeting of November 4, 2015. Seconded by Member Sainato. All in favor.

Motion to adjourn the ZBA meeting at 8:10pm was made by Member Daly, seconded by Member Sainato. *All in favor.*

Minutes Respectfully Submitted by:

Barbara Singer – Deputy Clerk/Secretary