



# *Village of Harriman*

1 Church Street  
Harriman, New York 10926  
Phone (845) 783-4421

## **ZONING BOARD OF APPEALS**

**FEBRUARY 5, 2025**

### **MEETING AGENDA**

**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

**3. ACCEPTANCE OF MINUTES**

**a. JANUARY 8, 2025**

**4. 101-2-1.12 – CONTINUED PUBLIC HEARING:  
MYL INVESTORS/ aka RIGHT CHOICE BUILDERS**

**NEXT ZONING BOARD OF APPEALS MEETING  
IS SCHEDULED FOR  
WEDNESDAY MARCH 5, 2025 @ 7:30PM**

**DEADLINE FOR COMPLETED PAPERWORK SUBMISSION  
FOR THE NEXT ZBA MEETING IS DUE  
BY 12:00PM ON FEBRUARY 19, 2025**

Zoning Board of Appeals - Public Hearing  
February 05, 2025

VILLAGE OF HARRIMAN  
COUNTY: COUNTY OF ORANGE

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ZONING BOARD OF APPEALS  
PUBLIC HEARING HELD, FEBRUARY 5, 2025

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ZONING BOARD OF APPEALS  
FEBRUARY 5, 2025  
7:41 p.m.

P U B L I C

H E A R I N G

Zoning Board of Appeals - Public Hearing  
February 05, 2025

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A P P E A R A N C E S:

MICHAEL PETTIFORD	CHAIRMAN
TRACEY TORRES	BOARD MEMBER
JUSTIN LARMARCH	BOARD MEMBER

ALSO PRESENT: Joseph Mckay, Village Attorney,  
Village of Harriman, Maria Hunter, Zoning Board of  
Appeals Secretary, Village of Harriman.

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ZBA PUBLIC HEARING

THE CHAIRMAN: All right. Good evening, the time is 7:39 p.m., Wednesday, February 5th. Before we get started I'd like everyone to please join us in the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited by all in attendance, as of this date.)

THE CHAIRMAN: I would like to introduce the other Board Members. I'm Michael Pettiford, ZBA Chair.

MS. TORRES: Tracey Torres, ZBA Member.

MR. LARMARCH: Justin Larmarch, ZBA Member.

MR. MCKAY: Joe Mckay, Attorney for the ZBA.

MS. HUNTER: Maria Hunter, Secretary for the Zoning Board.

THE CHAIRMAN: Okay. Before we open up the Public Hearing, I'd like to set a motion for attorney/client privilege.

MS. TORRES: I second that motion.

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2 THE CHAIRMAN: All right. All in  
3 favor?

4 MR. LARMARCH: Aye.

5 MR. MCKAY: Aye.

6 MS. HUNTER: Aye.

7 (Whereupon, the ZBA Board Members  
8 and Applicant's Attorneys, have left the  
9 Public Hearing to have a discussion off  
10 the record, as of this date.)

11 (Whereupon, all ZBA Board Members  
12 and Applicant's Attorneys are now preset,  
13 Public Hearing resumes, as of this date. )

14 THE CHAIRMAN: Good evening, the  
15 time is 8:32 p.m. I'd like to make a  
16 motion to come out of attorney/client  
17 session.

18 MS. TORRES: I second that motion.

19 THE CHAIRMAN: All in favor?

20 MR. LARMARCH: Aye.

21 MR. MCKAY: Aye.

22 MS. HUNTER: Aye.

23 THE CHAIRMAN: And I'd like to make  
24 a motion to go into the Public Hearing.  
25 All in favor?

Zoning Board of Appeals - Public Hearing  
February 05, 2025

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2 MS. TORRES: Aye.

3 MR. LARMARCH: Aye.

4 MS. TORRES: I second the motion.

5 MR. MCKAY: Second.

6 THE CHAIRMAN: All in favor?

7 MS. TORRES: Aye.

8 MR. LARMARCH: Aye.

9 THE CHAIRMAN: All right. So,

10 we're here to discuss the determination as  
11 far as the address at 200 Route 59M,  
12 Harriman.

13 We would like to open the meeting  
14 to the Public for any comments at this  
15 time.

16 MS. DEMICO: I have a comment. I  
17 have a couple.

18 MR. MCKAY: If we can -- facilitate  
19 explanations or have some information and  
20 ask questions on it.

21 MR. LOCH: Sure.

22 MS. HUNTER: Put the microphone on  
23 and make sure you talk into it.

24 MR. LOCH: Good evening, my name is  
25 John Loch, I am an Engineer, Land Surveyor

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for AFR Engineering and Land Surveying.  
I'm here on behalf of the Applicant, along  
with their legal Counsel. They can  
introduce themselves at the appropriate  
times.

MR. WARNER: Aaron Warner, with  
Zarin and Steinmetz along with my Partner  
Dan Richmond.

MR. RICHMOND: Good evening.

MR. LOCH: Okay. Very briefly,  
there are three issues that have been  
brought before the Board.

The first, is the height of  
building in feet. A -- essentially a  
mistake in construction occurred. We have  
a building where based on how it is  
defined, we are approximately, one and a  
half feet higher than we're supposed to be  
by code.

Code allows up to 35 feet. We are  
at 36.5 -- I think, it was 52, is what was  
finally settled on by your -- by your  
consultants.

We have presented -- a -- some

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ZBA PUBLIC HEARING

ideas that basically show -- we don't believe this has any significant impact. But of course, we'll listen to whatever the Public's concerns are, with respect to the building being a foot and a half taller than it's supposed to be.

The other issue -- the next one really concerns whether it has a third-story or not. Um -- the Applicant believe they were building a mezzanine. That is something we've asked for an interpretation on. It is not determined to be a mezzanine and is considered a third floor, we would request variance for that. Um -- my understanding is we're looking to just address really the first issue.

The last issue is, parking. Because of the floor is associated with the office space by the mezzanine level, we would be below what's needed at this time. However, we are not looking to have that issue resolved tonight.

And if the Public has any

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questions, I'm happy to try and address exactly what we got here.

MR. WARNER: We also -- we're requesting a day until your next meeting that we have a full Board. Um -- to a date certain which the Board can determine.

THE CHAIRMAN: Now, I can make a motion to open the Public Hearing for any public comment.

MR. LARMARCH: I second that motion.

THE CHAIRMAN: All in favor?

MS. HUNTER: Aye.

MS. DEMICO: May name is Lisa Demico.

THE CHAIRMAN: You can come up here.

MS. DEMICO: You want me to come up, okay. Sorry, that's fine.

THE CHAIRMAN: Could you state your name?

MS. DEMICO: Lisa Demico, I e-mailed -- um -- their parking is a

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ZBA PUBLIC HEARING

parking issue. I own my lot right next to theirs. And all somebody has to do is ride up to my lot --

(Whereupon, the Public Speaker was inaudible.)

MS. DEMICO: So, I have a parking issue. Because my parking lot goes right up to their's, their property. And it doesn't take much to walk from their property over to mine.

So, if they park in my lot, they walk right back over to their building. I do not want anyone parking in my lot. Primarily, because of insurance reasons and also I have tenants.

So, this is my issue and I want them to be aware of that. Unless, they want to pay me a huge amount of money to buy my property, otherwise, no.

This is a concern of mine. I have another issue -- with the understanding that they may clear out some of the land behind the tire building. To maybe, add some parking for themselves. That land

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back there, I'm pretty sure is a lot of fill with old tires and junk.

We've had very bad issues. I've got two batter boards in my parking lot because of their construction. And I don't want this to happen again. So, what happened was -- um -- all the silt ran off into my lot. Or went into my loading dock, clogged up everything, it had to be blown out. I mentioned this to Israel. He said, he would take care of it, nothing was ever done. I haven't gotten to it yet fortunately, my tenants does not need that.

So, anyway, I'd like to show you a picture of what it looks like. How the water gets into my lot.

MR. MCKAY: I'm sorry, can I ask you a question? I know that you're raising questions concerning the drainage, people walking between the two lots and what fill may be adjacent to the property.

The issue before the Board tonight concerns the height Variance. And

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ZBA PUBLIC HEARING

concerns the parking variance with respect to the number of spaces. And also concerns the question of whether or not, there's a third-floor that has a mezzanine.

And I was just asking if anyone has any comments regarding those questions?

MS DEMICO: Well, I did question the parking because it's a concern. That's why I come here, it's just a concern.

MR. MCKAY: No, I understand. I guess what I'm saying and what I'm suggesting, is the way that you discussed the matter and drainage or access between the lots. Those will be added too by the Planning Board and not the CPA.

This Board's job is to determine whether or not, the half or so height variance should be granted. And determine whether or not, the parking lot could be reduced from 93.

So, there are issues before the Board tonight. I'm not discounting that

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you have this issue in your property.

MS. Demico: I understand what you're saying. This is just an opportunity.

MR. MCKAY: Oh, no, that's fine. You're welcome to comment.

MS. DEMICO: I have a two and a half hour trip to be here. And I'm letting you know how concerned I am. Because you can see the water -- okay. I have like, two feet of water.

MR. LARMARCH: Yeah, no, I could see it.

MS. DEMICO: And your previous building inspector had looked at it. And so, we've been wanting to possibly dig out more. And it's still -- it's still -- we still get water. I put up a gutter on the side of the building. I paid up to \$3,000, to try and pump the water. So, I did my part. But I'm still getting water. But not even that, it's still pooling on the side of my lot.

So, those are my issues I just hope

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you all take note of that. Because I can't have my tenants, they have thousands, of thousands, of thousands, of dollars of merchandise in that building. I can't have that be ruined. That would be a horrible catastrophe. I'm really concerned about it too.

So, anyway, I said my case. Thank you, for hearing me.

THE CHAIRMAN: Thank you.

MR. LARMARCH: Thank you.

MS. DEMICO: Okay. Thank you.

THE CHAIRMAN: Do we have anymore members of the Public that would like to come up and speak? Any members of the Public?

I will close.

MR. MCKAY: You can't close the public --

(Whereupon, a discussion was held off the record.)

(Back on the record.)

MR. MCKAY: We will be keeping the Public Hearing open. If there's any other

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ZBA PUBLIC HEARING

members of the Public that wish to speak.  
And the Applicant can have a chance to sum  
up, they can do that. But we're not  
closing the Public Hearing, because we  
have to continue with the subject.

(Whereupon, a discussion was held  
off the record.)

(Back on the record.)

THE CHAIRMAN: Okay. We're going  
to keep the Public Hearing open. And we'd  
like to hear from the Applicant, if they  
have anymore comments or an explanation  
for the Board to hear in respect to --

MR. Warner: -- Not at this time,  
but thank you, for the members of the  
Public for speaking tonight.

MR. MCKAY: So, we had one of the  
other things we discussed was whether the  
Board could accommodate the Applicant and  
have a meeting with a special date, rather  
than, to reschedule. So, I don't know if  
we did that with the members.

MR. LARMARCH: No, we haven't.

(Whereupon, a discussion was held

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off the record.)

(Back on the record.)

THE CHAIRMAN: All right. We'll take a very brief recess, to give the other Board Member a call to confirm the special date.

(Whereupon, a short recess was taken, by all ZBA Board Members.)

(Whereupon, all ZBA Board Members are present, Public Hearing resumes, as of this date.)

THE CHAIRMAN: All right. We're coming out of our recess. The Board would like to make a motion to continue the Public Hearing. We have a date for February 25th --

MR. MCKAY: -- 27th.

THE CHAIRMAN: Oh, excuse me, the 27th, at 7:30.

MS. TORRES: I second the motion.

THE CHAIRMAN: All in favor?

MS. TORRES: Aye.

MR. LARMARCH: Aye.

THE CHAIRMAN: Agreement from

Zoning Board of Appeals - Public Hearing  
February 05, 2025

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Counsel with that date?

MR. WARNER: Yes.

THE CHAIRMAN: If able?

MR. WARNER: Yes.

THE CHAIRMAN: All right.

MR. RICHMOND: Thank you, very  
much.

THE CHAIRMAN: The meeting is going  
to continue for the minutes.

MS. HUNTER: Ask the Board if they  
want approval of the draft minutes I  
submitted?

THE CHAIRMAN: The draft minutes  
have been submitted. You guys had an  
opportunity to review?

MR. LARMARCH: Yes.

THE CHAIRMAN: I would like to make  
a motion to accept the minutes.

MR. LARMARCH: I'll second that  
motion.

THE CHAIRMAN: All in favor?

MR. LARMARCH: Aye.

MS. TORRES: Aye.

THE CHAIRMAN: Minutes are

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accepted. Our next Board Meeting is  
scheduled for March --

(Whereupon, a discussion was held  
off the record.)

(Back on the record.)

THE CHAIRMAN: Our next regular  
meeting is scheduled for March 5th, at  
7:30 p.m. There will be a public notice.  
And I'd like to motion to include this  
meeting. All in favor?

MS. TORRES: Aye.

MR. MCKAY: Second the motion --

THE CHAIRMAN: -- Second the  
motion.

MS. TORRES: I second the motion.

THE CHAIRMAN: Second the motion?

MR. LARMARCH: Aye.

MS. TORRES: Aye.

THE CHAIRMAN: This meeting is  
concluded. Thank you, you all.

(Time noted: 8:49 p.m.)

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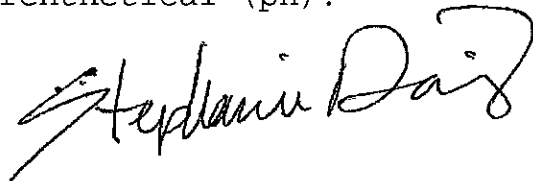
ZBA PUBLIC HEARING

CERTIFICATION

I, Stephanie A. Colon-Davis, Certified Court Reporter, before whom this proceeding was taken, do hereby state on the Record:

This to be a true and accurate transcript of the aforesaid proceeding and that due to the interaction in the spontaneous discourse of the proceedings, dashes (--) have been used to indicate pauses, changes in thought, and/or talkovers; that same is the proper method for a Court Reporter's transcription of proceedings, and that the dashes (--) do not indicate that words or phrases have been left out of this transcript;

That any words and/or names which could not be verified through reference material have been denoted with the parenthetical "(ph)."



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Stephanie A. Colon-Davis

Dated: February 5, 2025