Chairperson Pettiford opened the Village of Harriman's Zoning Board of Appeals regular meeting at 8:05pm on December 3, 2025. He welcomed everyone followed by the Pledge of Allegiance and Roll Call.

Present: Chairperson Pettiford, Member LaMarch, Member Torres, Attorney McKay, and Recording Secretary Leake

Absent: Member Santiago and Member Carrillo

Member LaMarch made a MOTION to accept the minutes from November 5, 2025.
Second by Member Torres, ALL IN FAVOR.

OLD BUSINESS:

103-4-1.1, 13 Church Street– Taconic Art Center

Chairperson Pettiford has asked has everyone had an opportunity to look over the draft decision. All stated yes and no changes.

Attorney McKay noted the last time we were here the Board discussed the application and authorized me to prepare a draft resolution and as the Board just discussed they reviewed it and there are no changes. Based on that I suggest you call for a motion to approve and adopt the decision on the Taconic Art Center.

MOTION was made by Chairperson Pettiford to approve and adopt the decision on Taconic Art Center.
SECONDED by Member LaMarch.
AYE: Member Torres
Member LaMarch
Chairperson Pettiford

102-4-5 – 51 North Main Street – Variance Application

Jared Rivera Owner of 51 North Main Street

Chairperson Pettiford stated we received your variance application and financial impact statement which everyone in attendance has looked over.

Attorney McKay addressed the applicant stating you were here before and at that time the Board asked for you to supplement your application with financial information. At this time the Board needs to determine whether or not to grant a use variance by using four factors, which were explained to the applicant.

Attorney McKay, Did you have an attorney when you purchased the property? Mr. Rivera responded yes, I did since it was a short sale. The lady selling the property was kind of special, so she didn't let anybody go into the property. The guy did not do a municipal search, and I didn't know at the time. I only had a couple of days because it was a short sale. I didn't have a chance.

Attorney McKay, you had an attorney to represent you, and you say it was a short sale, so did you buy it from the bank or the seller. Mr. Rivera, it was from the bank. The lady had a deal with the bank.

Attorney McKay, normally your attorney would apply for title insurance, do you have title insurance? Mr. Rivera, yes, I do. Attorney McKay normally when the title company gives you title insurance they perform a municipal search, do you know if one was done? Mr. Rivera, no he didn't do one because it was a short sale.

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Attorney McKay, do you have a copy of the contract you signed? Mr. Rivera, yes.

Attorney McKay explained tonight's process and went on to say; it is a short sale, so it is kind of a short period of time. Normally what you do is a title search to make sure the owner owns the property and as part of that you look to see if there are any other judgements or liens or anything else with respect to the property. That is generally called a municipal search and a judgment search. So, the question is whether that was done or not and if it was done it would have shown that this was a single-family residence. As I understand it the prior owner had gotten a variance from this Board to build a garage. They then illegally converted it into apartments.

Attorney McKay, Is there one apartment or more than one apartment? Mr. Rivera, one apartment, but two different levels. Attorney McKay, two levels, but only one tenant? Mr. Rivera, two tenants, one on the top and one on the bottom.

Member LaMarch, so there is a room upstairs and one downstairs? Mr. Rivera, right. Member LaMarch and it is going to be split between the two garage bays? Mr. Rivera, no. There's a first floor and second floor which has its own entrance and staircase.

Attorney McKay, those tenants were there when you purchased it? Mr. Rivera, no.

Member Torres, are there two tenants in there? Mr. Rivera, they are family.

Attorney McKay, do you collect one rent or two on the building? Mr. Rivera, one.

Attorney McKay and the Board had a discussion on the factors.

Attorney McKay, did you get an appraisal? Mr. River, no. Attorney McKay, have you gotten one since? Mr. Rivera, I have been doing all the improvements myself to the property.

Attorney McKay, one of the questions I had when going through the financial information, it shows how much you purchased the house for, but it doesn't show what the value is.

Attorney McKay and Board discussed about the hardship.

Member LaMarch, the property was a short sale, was it through a realtor, was it a handshake agreement between you and the property owner? Mr. River, no. It was a guy doing a deal for her. It wasn't my realtor. I had to get my lawyer.

Member LaMarch, it says you have done repairs of $65,000, is that approximate? Mr. Rivera, yeah. Member LaMarch, I am looking at these financial impact numbers, and they are not making any sense to me. Are they all estimate numbers rounding up or down? Mr. Rivera, what do you mean? Member LaMarch, they are not adding up. Mr. Rivera, most of the work I am doing myself. Member LaMarch, you went through an Engineer, do you have any floor plans of the actual garage? Mr. Rivera, just what they have in the Town. Member LaMarch, do you have floor plans from the Engineer who wrote the letter on the garage? I am going to need the floor plans on the garage to understand the structural impact.

Chairperson Pettiford, I noticed that the Engineer stated that the garage is structurally sound for residential occupancy. It is up to us to figure out if it is supposed to be residential at all. This doesn't really suffice as of anything that would impact our decision. I understand that when you purchased it, it was structurally built that way.

Attorney McKay, the Building Inspector has said the garage is illegal. Right now, we know it is not compliant with the Zoning Code. If you approve it, the Building Inspector will then consider whether it is complaint with the NYS Building Code. Right now, it can't be occupied. Are there people still living

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there? Mr. Rivera, yes. Attorney McKay, the Building Inspector, has not brought you to court to get those people out? Mr. Rivera, no. She is giving me a chance to work on it. If I have to evict the tenants, then I will have to sell the property.

Member Torres, how does that impact all the other neighbors and community over there? Mr. Rivera, my neighbors is multifamily.

Member LaMarch, the house is zoned for one family.

Attorney McKay, you have mixed use on it. Mr. Rivera yes, if you apply for it to be commercial then it can be commercial. Behind me and across from me is commercial. The fire fighters are behind me. I am not impacting nothing, and I have enough land.

Chairperson Pettiford, you have listed here a twenty-year mortgage which will impact your monthly financials substantially. Mr. River, I have a 30-year mortgage. The lady was there for twenty years; how did she get away with this? She never got caught, how come? How did she build that big building in front of everybody? As soon as I had it, the Inspector came. I didn't know how that works.

Attorney McKay, the prior owner had gotten an area variance to build a garage and then illegally built apartments. Mr. Rivera, how am I supposed to make a living?

Member Torres, I understand what you are saying and I know it just doesn't seem fair to you.

Chairperson Pettiford, I would like an updated financial impact statement. Attorney McKay, who did the financial statement for you? Mr. Rivera, I did.

Attorney McKay, read the draft resolution (attached).

After further discussions amongst Attorney, Board Members and Applicant it was decided the public hearing will be set for February 4, 2026, with submission of the contract, title search, plan and comps or something that estimates the value by January 21, 2026.

Member LaMarch made a MOTION to adopt the resolution designating the Village of Harriman ZBA as Lead Agency as a Type II and to schedule the public hearing for February 4, 2026, at 7:30pm.
Second by Member Torres. ALL IN FAVOR

Chairperson Pettiford made a MOTION to close the regular meeting of December 3, 2025, at 9:03PM
Second by Member Torres, ALL IN FAVOR.

Respectively submitted,

Jane Leake
Village Clerk as Recording Secretary

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