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

ZONING BOARD OF APPEALS

JULY 2, 2025
MEETING AGENDA

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. ACCEPTANCE OF MINUTES - MAY 7, 2025
4. ACCEPTANCE OF MEMO - JUNE 4, 2025
5. 106-5-10 & 106-5-15, GARFIELD PLUMBING - PUBLIC HEARING
6. 101-2-1.12, MYL INVESTORS LLC - CONTINUED PUBLIC HEARING
7. 103-4-1.1, TACONIC ART CENTER - REVIEW

NEXT ZONING BOARD OF APPEALS MEETING
IS SCHEDULED FOR
WEDNESDAY AUGUST 6, 2025 @ 7:30PM

DEADLINE FOR COMPLETED SUBMISSION
FOR THE NEXT ZBA MEETING IS DUE
BY 12:00PM ON JULY 23, 2025

VILLAGE OF HARRIMAN ZONING BOARD OF APPEALS
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Chairman Pettiford opened the Village of Harriman's July 2, 2025, Zoning Board of Appeals regular meeting at 7:40pm. He welcomed everyone followed by the Pledge of Allegiance and roll call.

Present: Chairman Pettiford, Member LaMarch, Member Santiago, Member Torres, Attorney DeJoy, and Secretary Hunter.
Absent: None

Member Santiago made a MOTION to accept the minutes from May 7, 2025, and memo from June 4, 2025.
Second by Member LaMarch, ALL IN FAVOR.

Minutes are attached from the recording stenographer for the following 2 agenda items:

101-2-1.12, 200 Route 17M – MYL Investors, LLC

106-5-10 & 106-5-15, 34 & 36 Route 17M – Garfield Plumbing

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

Mr. Dutta, owner of the property, has been referred to this board from the Village of Harriman Planning Board. Submitted narrative is attached to the minutes explaining the requests.

Discussion amongst ZBA members and Attorney DeJoy. It was noted that the artists would be staying onsite on a temporary basis for a couple of weeks at a time. It was requested that a bulk table be added to the plans. A public hearing needs to be scheduled, notices mailed to residents within 300 feet by the applicant, then action on the use variance will occur at the following meeting. Attorney DeJoy will prepare the public hearing notice

Member Santiago made a MOTION to schedule a public hearing for August 6th once the additional paperwork is submitted.
Second by Chairperson Pettiford, ALL IN FAVOR.

Member Santiago made a MOTION to close the regular meeting of July 2, 2025, at 9:35PM
Second by Chairperson Pettiford, ALL IN FAVOR.

Respectively submitted,

Maria C. Hunter
ZBA Secretary

VILLAGE OF HARRIMAN
COUNTY: COUNTY OF ORANGE
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ZONING BOARD OF APPEALS
PUBLIC HEARING HELD, JULY 2, 2025

Zoning Board of Appeals Public Hearing
July 02, 2025

----------x

ZONING BOARD OF APPEALS
July 2, 2025
7:41 p.m.

P U B L I C H E A R I N G

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

MICHAEL PETTIFORD	CHAIRMAN
AARON SANTIAGO	BOARD MEMBER
TRACEY TORRES	BOARD MEMBER
JUSTIN LARMARCH	BOARD MEMBER

ALSO PRESENT: Jonathan DeJoy, Village Attorney of The Village of Harriman, Maria Hunter, Zoning Board of Appeals Secretary, Village of Harriman. Aaron Warner, Esq., and Dan Richmond, Esq., from Zarin & Steinmetz, LLP, John Loch from AFR Engineering and Land Surveying, Neil Fishberg, Applicant's Attorney for 36 RT 17M, LLC, a/k/a, Garfield Plumbing.

THE CHAIRMAN: I'd like to call this meeting of the Zoning Board of Appeals to order. Before we proceed please join me in the Pledge of Allegiance.

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

THE CHAIRMAN: Thank you. All right. I would just like to do a rollcall. I'd like to do a rollcall of the ZBA.

I'm Chairman, Michael Pettiford.

MR. LARMARCH: Justin LaMarch, ZBA Member.

MS. TORRES: Tracey Torres, ZBA Member.

MR. SANTIAGO: Aaron Santiago.

MR. DEJOY: I'm Jonathan DeJoy, Senior Attorney, for tonight.

MS. HUNTER: Maria Hunter, Secretary.

THE CHAIRMAN: All members are present. And those absent as indicated. And we will now proceed with the approval

of minutes from the previous meeting, May 7th meeting. Can we have a motion to accept the minutes?

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

(Back on the record.)

MR. SANTIAGO: I'd like to make a motion to accept the minutes to the May 7th, meeting.

MR. LARMARCH: I'll second that motion.

THE CHAIRMAN: All in favor?

MS. TORRES: Aye.

MR. LARMARCH: Aye.

THE CHAIRMAN: May 7th, meeting minutes are accepted. Acceptance for the memo of June 4th?

MS. HUNTER: That's just the --

THE CHAIRMAN: -- Which one is that?

MS. HUNTER: Let you know, we were here but there was no quorum. So, it's just acknowledging to put that in the minutes. Or made a memo of it.

THE CHAIRMAN: Okay. No problem.

Yes, yes, the --

MR. DEJOY: -- Meeting we did not have one. We did not have a quorum that day. All right.

Um --

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

(Back on the record.)

THE CHAIRMAN: Okay.

Moving forward, we're now addressing the --

MR. DEJOY: Motion to open for the Public.

THE CHAIRMAN: I'd like to open a motion for the Public Hearing.

MS. HUNTER: Of MYL Investors, LLC.

THE CHAIRMAN: Making a motion?

MR. SANTIAGO I'll make the motion.

THE CHAIRMAN: Second?

MS. TORRES: I second that motion.

THE CHAIRMAN: All in favor?

MS. TORRES: Aye.

MR. LARMARCH: Aye.

MR. WARNER: Good evening, and nice to see you all again. My name is

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Aaron Warner, along with my partner Dan Richmond from Zarin and Steinmetz. And also joined by our Colleague, Mr. John Loch professional Engineer and Land Surveyor with AFR Engineering. And we represent the Applicant to MYL Investors --

MS. HUNTER: -- Do you mind getting closer, please. Is it on?

MR. WARNER: Yeah, it's on.

We represent the Applicant, MYL Investors, in connection with its already constructed office and storage project, located at 200 Route 17M, in the Village's B2 Zoning District.

Your Board recently granted the height variance, for the height of the building in feet. Which, as you know, the height that your Board granted included the third-story within it.

You will recall that the Applicant has withdrawn its request for a zoning code interpretation. If whether a mezzanine constituted a third-story. And withdrawn its request for a parking

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variance. Because, as we'll explain, the project will provide more parking than the Village requires.

Therefore, tonight, the only variance that the Applicant is seeking is for a third-story. Consistent with the height variance that the Zoning Board granted. And the recent Planning Board approvals.

Since we last met, the applicant has ascertained the site plan amendment approval for the third-story and other field changes. And also obtained additional land to the site for additional parking. That occurred at the Planning Board's May 19th, 2025 meeting.

And as you know, your Board previously issued a negative declaration pursuant to SEQRA that is February 27th, 2025, in the Planning Board. It also occurred in its May 19th, 2025, hearing after a Public Hearing.

As I mentioned before, we were granted site plan amendments for minor subdivision for the additional land to the

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site for parking. I would like to invite my Colleague, Mr. John Loch, to discuss the amendment.

MR. LOCH: Briefly, if I can. I did provided as it was requested by the Board, a narrative for the amendments, for the site plan, process. And, what's being reviewed by the Planning Board.

A -- if I could go over it very briefly. I don't want to sit here and read off a letter here and substantial changes to the site.

What we have is, some of the parking was moved back a little further here(Indicating), to give us a different driving aisle. And something else would be visible as we put in a lot more retaining wall here.(Indicating)

So, there were two reasons. In terms of the driving lanes here. (Indicating) It was because, we needed a little bit more room for pulling trucks in and out. It was a bit of an oversight, the last time we started analyzing problems in the locations of the building.

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And things we needed just a little bit more room.

The wall was added because we found that in the time this project was initially conceived, we think the adjourning property dumped its fill. And right in this area, we had a difference of height of the existing land.(Indicating) It was more that two feet and close over to four feet on your property.

So, the correct format that we worked both with the adjoining property owner, to reach agreements, to put a retaining wall. So, that it had no impact on their property. And we retained the appropriate easements. They had also put part of there backing units onto our property. So, we provided easements for that.

And that was between the two property owners. And reviewed by the Village Engineer. And those of the substantial things that you could look at. In terms of things that you wouldn't really see. There were some changes made

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with the underground utilities, where they were run. And the reason for that is, we don't have control over that when we're dealing with the utility companies, at construction.

At times, they are not entirely cooperative in being held to anything, when you start planning this project.

Um -- minor changes were things such as, certain material items. Such as -- you know -- backflow preventers, for the water system. We couldn't get the exact model that they had. Other models that were equivalent were substituted. That was also reviewed by the Village Engineer. And nothing of any real substance there.

A -- we found -- because of the recycling requirements, we needed bigger garbage dumpster space. We did permit a slightly larger model that allows for two containers.

And we also took the opportunity to just outline what it was that the Applicant was seeking for the Planning

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Board, in term of the amendments that were not really during the course of construction.

We have obtained a subdivision actually -- a friendly corporation purchased this adjoining property. And they joined us in the subdivision application. To cut off the back part of the property. And we are doing this to proposing to add parking in this site.

That has been reviewed by the Planning Board. And the Planning Board has given us essentially an approval on it.

This is a blow up of -- what is being done there -- one second. Just to grab these clips.

Part of this what also -- did -- is it -- it solves any issues with respect to the amount of parking that we needed for our site. We are essentially adding 13 spaces here, 10 spaces here.(Indicating) And seven spaces here.(Indicating) We were initially going to get seven here. (Indicating) And we had issues with the

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clearances. So, we're cutting that down to six. And the Planning Board is aware of that. And also, we're still, well within what's required. We've provided all the calculations on that.

And because we are developing this area for parking, we have the door openings. And you have assessments as to, what we're going to do about lighting and drain standings, drainage facilities.

And that essentially, covers -- um -- the questions that were asked both in respect to what actually went into amending the site plan. Because of the construction during the process of building it. And also, what our proposed action was.

What we're here for at this point, is really just the a -- height issue in terms of stories in the building. Um -- we've had prior discussions, we've essentially conceded now we have a third floor, not a mezzanine. We have done everything possible to make sure that the site conforms in terms of being able to

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provide adequate parking, utilities. And review with respect to the Building Inspector. That he knows we have all the proper fire safety.

The third floor, in this case, is somewhat an unusual circumstances. It is actually, completely within the height and building envelope, that would include the second floor. Because we have a storage area in the building, is much taller.

So, essentially, you have the storage area that is part of the second floor, the third floor doesn't go above it. So, the third floor has -- it -- it certainly has benefits for the Applicant, in terms of use. But no impact in terms of anybody going to see anything different. Or have any other issues on the site.

That covers everything that you had as concerns for what was addressed at the last meeting.

MR. WARNER: Um -- accordingly, the variance for the third-story is the only variance that the Applicant is seeking

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tonight. If, which, if granted by The Board, would achieve full zoning for the building.

This would be the same analysis for the third-story variance, as well as the height variance. And essentially, for the same reasons. We respectfully submit that your Board's own precedent in granting the height variance, necessitates granting a variance for a third floor.

Including, for the following reasons, which are further supported with the five factors under New York Town Law.

So, first, the granting of the third-story variance would not result in any undesirable change in the character of the neighborhood. In 2017, The Board determined that a third-story variance for a much taller building, would not result in an undesirable change in the character of the neighborhood.

They acknowledged this in its February 27th, 2025, decision. When it granted the height variance for the building.

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Importantly, the third-story fits within the shell of the building. And the topography and sight characteristics, as already recognized make it that it only appears as a three-story building from the back. Where there is ample screening.

Furthermore, the area already has numerous examples of buildings which have three stories. So, if you turn in our latest letter, to the last four pages or you can look here.(Indicting)

So, this is a photo that we've shown you before. This is just down the street on Route 17M. The Harriman Army Navy Building. Which if you look over here,(Indicating) you can see the top of our building.

However, this appears to be a three-story building. Whether, it's preexisting, nonconforming or not, it doesn't really make any difference because it exists. And therefore, it's part of the neighborhood and the community as a three-story business.

Turning to the next photo.

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(Indicating) So, this is a the Lexington Hills Apartment Complex. Here, you can see another three-story building. Much like, our building. The first floor is semi submerged or below grade. Such that, it doesn't really have an appearance of a third-story building, although it is.

Next, so this is, there's two buildings here that I -- or three rather, that I want to drawer your attention to. It's this one and that one.(Indicating) These are 63 North Main Street, which is this building.(Indicating)

If you can see on the edge here, where's there's another structure. Which based on the Harriman Tax Map, is on the same lot. And also appears to be a business.(Indicating)

But nonetheless, this is a three-story building as well as this building. Which is 2 Short Street. (Indicating)

The next photo. So, this is the Meadow Glen Apartment Complex on Bar Lane. This is actually in the town of Monroe,

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(Indicating) But we had to notice all the residents that lived here. And again, it's another example of three-story structures in the area. Which tends to show that our building is consistent with the character of the surrounding neighborhood and area.

So, any questions as to the first factor? Or we can move on?

MR. SANTIAGO: I noted that you used some of those examples but they were -- do you know, per chance, when a couple of those older buildings were built? And when, was the bi-law verses a two-story building? And also, what the zoning was? Was it residential? Which is depicted in most of the pictures. Or commercial?

MR. WARNER: So, I don't know the answer to that offhand. But nonetheless, whether they were preexisting, nonconforming, isn't any real effect. Because they're still there and it makes up the character of the neighborhood now.

MR. SANTIAGO: Yeah, but they're

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grandfathered in. And built 150 years ago, probably why it doesn't exist. But it really compares to appeal, right? If it was built yesterday as opposed to -- (Inaudible) that is different. And also, these are residential structures, right?

MR. WARNER: Some of these are, yeah. The Harriman Army and Navy Building. I do happen to know is a preexisting building.

MR. SANTIAGO: It was residential previous and changed today to commercial space, correct?

MR. WARNER: I'm not aware of that. But I will take your word for it, yeah.

Um -- so any further questions regarding the first factor?

Second, there's no feasible alternative to achieve the benefits sought by the Applicant. The benefit here is the use and legalization of the third-story. Which is only achievable through the variance. The building cannot be legalized without the third-story variance

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because the building is already constructed.

Any questions as to the second factor?

MR. SANTIAGO: Why would the building not be useable?

MR. WARNER: Well, the third-story can't be useable.

MR. SANTIAGO: The third-story can't, but the whole building could still be useable.

MR. WARNER: Well, currently it's being used under an agreement with the Village. And the benefits by the Applicant is use of the third-story, which cannot be used without a variance.

MR. SANTIAGO: Correct. But the building is still useable? Just the third-story, correct?

MR. WARNER: Correct.

MR. HUNTER: If I may just interject. The clarification for the record, the meeting is between the Village Building Inspector and the Attorney. Not the Village Board Members. Just to be

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clear on that.

MR. WARNER: Yes.

MR. HUNTER: Because I know that the Board, the last time one of the Board Members questioned me on that. So, I just want to be clear on that.

The temporary CO is issued by the Building Inspector, with working with the Village Attorney. Not the Village Board Members. Okay. Thank you, sorry for interrupting you.

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MR. DEJOY: That shouldn't really factor into the decision tonight.

MR. WARNER: Third, the third-story variance is not substantial. And your Board in its 2017, decision determined that a nine foot height variance, which is much larger than what your Board granted a few months ago. And a third-story variance was not substantial.

These variances were only previously denied because the Applicant is seeking a 100 space parking variance. Which your Board also acknowledged in its February 27th, decision.

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Now, as we've explained forward, we're not seeking any parking variance because this project provides more than what the Village requires. As my Colleague John Loch, already explained.

And therefore, we respectfully submit that a variance for the third-story is not substantial.

Even if the variance is substantial, case law established that you need the totality of the circumstances. And the actual impact on the community, determines whether a substantial variance should be granted.

And as previously discussed in the 2017, ZBA decision, which your Board acknowledged. Also acknowledged, that there would be no impact on community character. Therefore, even if the variance is deemed substantial, respectfully, it would be contradictory and irrational for this Board to weigh this factor against the Applicant.

Fourth, there would not be an adverse impact from the environment for

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the third-story variance. In 2017, your Board in that decision, determined that the third-story variance would not have adverse physical or environmental characters of the site. Your Board acknowledged the same. As the third-story fits in with the height of the building. Which your Board just approved.

There's no evidence in the administrative record in contrary of the project received a negative declaration pursuant to SEQRA.

Fifth, to the extent that rash hardship deemed themselves created. Such a determination does not preclude the granting of the request of variances under the New York State Town Law.

So, in conclusion, we submit that the balance of the factors weighs in favor of the applicant. We also respectfully request that, The Board will grant the Applicant's request for a third-story variance.

Any questions?

MR. DEJOY: So, maybe, before we go

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any further, now would be a good time for anybody from the Public, is here and would like to speak on this application?

MS. ESCALADE: My name is Irma Escalade.

MS. HUNTER: There' s a sign in sheet, please at the table. (Handing)

MS. ESCALADE: I'm a resident of Lexington Hill. I've lived at Lexington Hill for about 23 years.

This is a three phase project that was done. And to abide by the law, what they did was, they did two and a half stories and they buried the third one down. So, the bottom ends up being the third floor.

I just want to say that Lexington Hill, is really a two and a half foot floor building or buildings. Because there are three phases of them and they are all the same. That's all I wanted to clarify. Thank you.

THE CHAIRMAN: Thank you.

MR. DEJOY: Do we have anyone else from the public? No?

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At this time, if somebody wants to make a motion to close the Public Hearing you can. If you feel there's still more information you might need, you can leave the Public Hearing open. And ask the Applicant for more information. But that's up to The Board.

MR. SANTIAGO: No. More information regarding the Public?

MR. DEJOY: No, had from the Applicant. If you feel that you need more that is your prerogative. And make a motion that closes the Public Hearing.

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

(Back on the record.)

MR. DEJOY: We can have an attorney client session but once the deliberations start, it should be on the record for everything.

THE CHAIRMAN: What was your question you were saying?

MR. SANTIAGO: For the record, I was just looking to see if we had done a site visit on the property. Obviously,

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it's not fair to me, being on The Board, I guess there was one done. I did not do one -- um -- it looks like they cleared up certain issues, regarding apartment building parking and other things. In the past they were seeking approval for -- um -- but I'm not familiar with the structure myself. And I was going to ask for a -- to do a site visit.

Had they not done one, I don't know. If I want to just do one -- you know -- or have one done just solely for myself -- um -- I don't know if that's fair to request?

MR. DEJOY: Well, if you think that you need that information and you feel comfortable making that decision and you hold the Public Hearing open. And if the Applicant would like to, you move forward with the decision. We can make that request.

MR. RICHMOND: We had a site visit for the ZBA, I believe it was last fall.

MR. SANTIAGO: Unfortunately, at the time, I was not on The Board. That's

why I asked if we did one or not.

MR. RICHMOND: There was a site visit.

MR. SANTIAGO: Sure.

MR. RICHMOND: I mean, just respectfully, our Clients -- we've been at this for eight months. And your Board did granted the height variance. It's essentially, the same variance for intensive purposes.

I mean, the real question is here, can you see it -- you know -- offsite. And again, your Board basically decided that already, in February. That the height was acceptable. The third-story doesn't change the height. The third-story's within it.

And we're simply asking -- I know we were supposed to be here last month. And the Village had a problem, we couldn't get a quorum. And I ask for the Applicant if we could -- (Inaudible)

MR. SANTIAGO: Respectfully, I understand that. I want to make the best decision and have all the facts.

MR. LOCH: I think, I can make you a little more comfortable with this.

We've done this presentation a number of times so, I didn't completely rehash everything that we've done. And briefly, it would give this gentleman a better idea what the situation is on this site. And he may be comfortable without having to visiting the site.

MR. SANTIAGO: I don't fully understand when by, you initially started your presentation and saying it goes, three floors but it doesn't --

MR. LOCH: -- I think, I can explain it with this picture.(Indicating)

MR. SANTIAGO: Okay.

MR. LOCH: This was previously before The Board. And it was when we were discussing the situation in terms of where we had a mezzanine, we had office space. Okay. Imagine you cut the building through a section on. This, is where you come in, in the front.

Some places we have loading dock, some areas we just have some office space

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kind of visible. And essentially, what we have built is storage space behind the offices.

Now, when they built the first floor the primary means of access for the businesses is coming in right at the back of the building. We had an overhead that pulls in, we've got loading docks.

At this lower level, we have some office spaces distributed around. And we had essentially, in the center of the building some storage space.

That's pretty much, we followed exactly what the plans called for. And a little bit of a difference in the office layouts. You will get it on the plan view.

The second-story, is what we had things that were different. And, what it initially showed was, essentially, offices about half the height of the storage space. And the storage space is all accessory. It's accessory to office spaces.

What the Applicant did, the first

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level floor of offices here,(Indicating) he put another level of offices on it. He was advised that, that was a mezzanine and didn't count as a story. And that's why I'm saying, the second-story, the second floor here, is storage space. That goes all the way up in here.(Indicating)

The office spaces, are obviously lower in terms of height. So, even when you stack them though, the third floor offices that we're talking about, do not stick up above the second floor storage space. So, the exterior shell of the building, would be the same size whether we had use of the third floor or not.

MR. SANTIAGO: Okay. Let's take height out of that. Right now, it doesn't matter if it is 1,000 feet high, right?

MR. LOCH: That's correct.

MR. SANTIAGO: It looks like, it's four floors that plan represents. Even though there's no --

MR. LOCH: -- What you saw me mark up in blue, that would be five.

MR. SANTIAGO: That would be five

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floors? Office space and offices? And I don't know what that space represents? Is that four floors or three floors?

MR. LOCH: Okay. The way they have it, I will mark it right on here.(Indicating)

This would count as one floor. And that includes the use of the office spaces and things.

This -- would count as the second floor. However, the way the zoning interprets stories, this office space above here,(Indicating) because it's part of another office space, counts as a third floor.

MR. SANTIAGO: Right. But what about, why does it go on from -- the first office to the next one count?

If I'm going to this building, right, I walk in there, again, I haven't been there. How many flights of stairs am I walking down to get to that bottom office? I don't care if they're eight, nine or ten --

MR. LOCH: -- Coming down

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here?(Indicating)

MR. SANTIAGO: On the bottom office?

MR. LOCH: From the brown marble?

MR. SANTIAGO: From the ground level to the slab, how many flights of stairs am I walking up?

MR. LOCH: You're actually coming in on the ground level, in the back. You have to actually go up a couple of stairs to get into this.(Indicating)

MR. SANTIAGO: Okay.

MR. LOCH: You have like, a loading area here.(Indicating) And you have a couple of stairs to get into this.(Indicating)

MR. SANTIAGO: So, I walk into the first office, perfect.

MR. LOCH: From there, you want to go to the next level. There is a staircase --

MS. TORRES: -- Or elevator.

MR. LOCH: Or elevator, we have both.

MR. SANTIAGO: Okay.

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MR. LOCH: That elevator can either drop you off here or -- you have to keep in mind, it's three dimensional. It would be dropping you off at this level here. And which is for accessing; now, what is now referred to as the third floor.

MR. DEJOY: I think there's some confusion on what those two boxes are that are not labelled.

MR. LOCH: Right. Now, the Applicant just wasted space above the offices. From a standpoint, how they can be utilized? In theory, the Applicant can use it for more storage space. But even there it's more difficult, because there's no efficient way to load stuff in and out of the elevator. These offices are not being built for the structural system to support what the typical loading is for storage.

MR. SANTIAGO: In the best effort of not wasting your guy's time, I'm going to personally request that I do a site visit. Or if anyone else has not done a site visit, here. I'll still -- it's too

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convoluted of a picture for me to understand what it's being used for. And how many floors it's actually.

So, I would like to keep the Public Hearing open. If anybody needs to walk again, with me? Or you guys want to request you close it? I understand you guy's time. But that's just my personal take.

Otherwise, I can't vote on it. I'm sorry, you guys. We can move forward, if they want to vote on it they can.

MR. DEJOY: It sounds like, the Applicant would like The Board to move forward with the vote. If somebody else on The Board wants to make a motion, to close the Public Hearing they can. If The Board doesn't get enough votes to close the Public Hearing because they feel they need more information, that's up to The Board to vote on.

THE CHAIRMAN: Um --

MS. TORRES: I went on a site visit. Did you go?

MR. LARMARCH: No.

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MS. TORRES: I already know what -- it's described as. And I notice how -- the reason why I said, the elevators, because I remember when we went on the elevator. It didn't say, 3, it said M, right?

MR. LOCH: Yes, yes.

MS. TORRES: That's how I remember that. I don't know if anybody else here has seen --

MR. SANTIAGO: So, can we place a vote to keep the Public Hearing open?

MR. DEJOY: Yeah, you can.

MR. SANTIAGO: Okay.

THE CHAIRMAN: That's fine.

MR. SANTIAGO: I will vote to keep the Public Hearing open.

MR. LARMARCH: I'll second it.

THE CHAIRMAN: All in favor?

MS. TORRES: Aye.

MR. LARMARCH: Aye.

THE CHAIRMAN: There you have it.

MR. RICHMOND: Can we schedule it close? Because it's close to a year on this project. When is the next meeting?

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MR. LOCH: The first appearance is in November.

MS. HUNTER: August 6th, is our next meeting.

MR. RICHMOND: Okay.

MR. WARNER: Thank you.

MR. LOCH: Thank you.

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

(Back on the record.)

MS. HUNTER: So, before you leave, am I setting up a site visit for everybody? Or who's going for a site visit? And if I set the site visit, I will make sure everyone's going to attend. Not like the last time.

According to John, I'll set it up with you. You're available whenever?

MR. LOCH: I could be available, pretty much, any time next week -- um --

MS. HUNTER: All right. I'll reach out to you. Board Members, are you all --

MR. LOCH: -- I mean, if it's an issue even in terms -- you know -- I know people work for a living. If you need to

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go there in an evening, I can do that.

MS. HUNTER: Who's going on the site visit? So, I know who to reach out to. Just Aaron? Justin? Tracey, do you need to go?

MS. TORRES: I went already, I'm fine.

MS. HUNTER: Mike, what do you need to do? Do you need a site visit?

THE CHAIRMAN: I don't need it.

MS. HUNTER: So, I just have to set up a site visit for Aaron and Justin. I'll reach out to you.

MR. SANTIAGO: I don't know if you want to piggyback it with the Building Inspector? So, that it's already on the scheduled.

MS. HUNTER: Excuse me, she's been there already. She's been there numerous times.

MS. SANTIAGO: I know. I was saying, if she had additional site visits she had to go on, just to not inconvenience them any further. Allowing scheduling with the Engineer --

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MR. DEJOY: -- Yeah, I think that would be separate.

MS. HUNTER: That's separate. John, reach out to me. Justin, Aaron, are evenings good for you next week? Give me something here, so I could work with it.

MR. SANTIAGO: Can we schedule it after? I can call you tomorrow or talk after? It doesn't have to be part of the minutes or meeting right now.

MS. HUNTER: Whatever the pleasure. I'm only here from 12:00 to 3:00, tomorrow. And there's a holiday coming up.

MR. LOCH: In terms of, in the building, I may have only limited access to some of it. Because obviously, we have tenants in portions of the building. And I can't get codes to every tenant space. I'm sure I can show you typical, the third floor, the staircases, the lobbies. Or at least, one of the storage areas.

But we won't have free range of the building because frankly, it would be too much. In light of the tenants and things.

MR. SANTIAGO: I could understand that if you're willing to indulge. I just need a general understanding of the actual building space itself. I think, within reason being to go forward.

MR. RICHMOND: It's an external analysis.

MR. LOCH: I really think, we get the most out of this, going around the building on the outside.

MR. RICHMOND: Or really, seeing it from in Town.

MR. LOCH: I think, in showing you in terms of what's going on, I think getting an idea of where there's access in and out of the building, is on the different levels.

In terms of looking around in the building, yeah, we can show you the staircases, show you the elevator, show you the hallway and show you a few of the offices; that's not an issue.

MR. SANTIAGO: I know you guys have already done one site visit, so I apologize for not being at that site

visit. I wasn't at that meeting.

MR. LOCH: That's quite all right.

MR. SANTIAGO: That's why I pose the issue.

MR. LOCH: I understand the concern.

MR. SANTIAGO: And neither of us wants that. Justin, you have one half of The Board that has not seen the project. And I understand it's convoluted and the case has changed. I know you took measures to rectify the other issue that's been raised, use. Which is great.

This is still one of those things to vote on. Sorry, I got to see it.

MR. LOCH: I'll accept that. And you know, we'll work from there.

MR. SANTIAGO: I appreciate that.

MR. LOCH: I would state for The Board on any of the projects, if you guys need access or wish to look at things, no, we don't usually sit there and say, look on your own.

Because I've had people go and to look at things, they're in the wrong

place. Sometimes they're standing -- you know -- don't know a simple question. What is it that, I'm looking at, can make a difference.

And also, we just don't generally encourage people to want to go on the sites that may or may not have access on their own.

MR. SANTIAGO: That's why I ask.

MR. LOCH: You can always contact -- have The Board Secretary contact me, and I'm happy to schedule visits, for any of the sites.

MR. SANTIAGO: Thank you.

THE CHAIRMAN: I think, John, is staying for our Village stuff.

MS. HUNTER: Whenever you're ready?

THE CHAIRMAN: I'm ready.

MS. HUNTER: Notice of continued Public Hearing from June 4th. Notice hereby given that a Public Hearing will be held by The Zoning Board of Appeals. At which time, Wednesday, July 2nd, 2025, at 7:30 p.m.

Assume thereafter, as the matter to

be heard. Village Hall located at 1 Church Street, Harriman, New York, 10926. Regarding an application submitted by 36 Route 17M LLC, a/k/a, Garfield Plumbing. For area variances to the Village Code.

To allow for the lot line changed by a subdivision. The extension of the existing plumbing business, by constructing a 2,416, square feet. In addition to an existing storage building.

Applicant is seeking variances from the Code's Scheduled District Regulations Part 4, for the B-2 Zone. Including variances from rear yard setback requirements and the buffer requirement of Code Section 140-18.

In addition, the Applicant is seeking variances from the Code's Section District Regulations, Part 1, for the R100 Zone. Including, variances from the minimum lot area, minimum lot width, front yard setback and maximum lot coverage requirements.

The parcel is designated on the

Orange County Tax Map, Section 106, Block 5, Lot 15 and Lot 5. With an address of 34 and 36 Route 17M.

The Zoning Board of Appeals will hear all persons interested in the application at the above time and place. Copies of said of application and any other information submitted in support, the applications, are available at The Village Hall at the address stated above.

Village of Harriman, will make every effort to assure that the hearing is accessible to persons of disabilities. Anyone that requires special assistance and/or reasonable accommodations should contact the Village Clerk.

By order of The Zoning Board of Appeals, Village of Harriman, Michael Petiford, Chairman.

And you have a copy of that.

MR. DEJOY: Do we have a motion for the Public Hearing?

THE CHAIRMAN: Motion to open up the Public Hearing?

MR. SANTIAGO: Yes.

THE CHAIRMAN: I second it.

MR. LAMARCH: I'll second that.

THE CHAIRMAN: All right.

MR. FRISHBERG: Hi, I'm Neil Fishberg, from Fabricant, Lipman and Frishberg. This is -- the application is essentially, you go down 17M, you may have noticed a plumbing store. I know Mr. Pettiford -- I hope I pronounced it right.

THE CHAIRMAN: That's correct.

MR. FRISHBERG: -- was there. And if you look at it, it's basically, a plain vanilla, plumbing store. And it has a -- a plumbing supplies in it. There's not a lot of traffic going in and out of it.

MR. SANTIAGO: It's a store?

MR. FRISHBERG: No, no, it's not a store. It gets plumbing --

MR. LOCH: -- Plumbing business, it's office space and storage space.

MR. FRISHBERG: -- construction storage space. He's correct. It's not a store. It's got plumbing supplies there.

And, basically, he wants to expand it. For a 22,400, feet to hold more plumbing supplies. The addition would be in the back so it won't really be seen from Route 17M. But it does require a certain amount of variances.

It requires side lot variances, among other things. But in the main, it will make the place better. Because I think, it's -- Mr. Pettiford saw it, the back's sort of a mess.

THE CHAIRMAN: Yeah.

MR. FRISHBERG: So, what we're planning on doing is, going to -- expand the place in the back. Clean the place up and -- we'll -- install whatever screenings necessary to -- you know -- I know there's residential people behind it. Because it's an old place. And we'll install whatever screening is necessary.

But there's not a whole lot of traffic that goes in and out of this place. So, I don't think the residents will be effected too much. And they will be here to express their concerns. And

they should, to the particulars.

MR. LOCH: There is actually, one thing in his -- an important thing missing in the description from this gentlemen. One of our main goals is to increase the amount of parking in this space. You have an unusual situation. You had two properties that the shape was very unusual. You have a strip and a chunk that went back here and a residential use.

You had the plumbing business up front on this parcel.(Indicating) This parcel was actually accessed through easement, that had a very vague description. No means and bounds. A place that you can get through there.

What we're trying to do is, actually, realign the property boundaries to match the zoning. Because your zoning boundary, which is this very, dark, heavy line, shown here.(Indicating)

This is supposed to be your commercial. Back here's supposed to be your residential. So, what we're proposing to do is, take this property

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line this here.(Indicating) To get rid of it and cut a new short line here.(Indicating)

So, that we'll have all the commercial zoning property as one lot. We will have all the residential as one sperate lot. So, that we'll actually have the uses in much greater conformity to what's supposed to be in each one of these zones.

Part of the reason that the Applicant is doing this is, because there has been some changes in terms of how this business is operating. It is at a risk of less of what was required for parking. He's finding that he needs more parking.

Some of it has do with, how he has plumbing crews working. He does have crews that take trucks home with them. He also has some of the trucks get parked here at night.(Indicating) When they come in, you have people leaving their cars and getting in a truck and heading out.

So, he does have some parking issues. Main thing, we're trying to do

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is, put in a lot more parking across here.(Indicating) We will be dedicating a certain amount of this parking to the residential lot. And we will formalize putting the easement for the access for the means and bounds.

Now, that we have control for both properties. We couldn't do that previously, because the previous owner of this, was perfectly happy, the other day, with the easement description. And would not consent to any changes.

While we're doing this, we are proposing to expand the building to allow for more storage. The type of items that we store in there are, certain types of pipes, certain types of joints, elbows, fittings. Things associated with the plumbing business.

It is not -- um -- it's more day-to-day items that the business honors if they can buy it in bulk. And put it on their truck when their going out, that's great. But they're generally smaller items, going to smaller jobs.

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The larger projects that they work on, they have most of the materials delivered to the site.

Now, one of the things that's difficult when you have residential property in terms of zoning, meaning commercial, there is a buffer requirement. There is no physical way for us to meet the buffer requirement and meet the goal in putting in parking. There's just no more physical room. Between having to be able to turn the vehicles in and out. And keeping them off the property line.

So, yes, we are seeking to have a variance to not require the buffer. That doesn't mean we're not willing to do things to try and minimize the impacts. We can address things further if we're trying to minimize the impacts, to a degree.

We can't do a lot of extensive planning in this area, for example, because we know we have a sewer line going there. However, we're going to try to put up a building that is esthetically

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pleasing. And also, it'll look to the extent in term of size, that it's just a residential house sitting there. It's not something that's going to be a huge, huge, structure.

One of the ways that will help is, the grading is slightly such that, the land here is substantially higher than the floor level. So, that you have a portion in this building in a range of about four feet or so. But it's going to be -- (Inaudible)

So, while we're getting the height for the storage and things for the building, we don't have much of it sticking up in the back.

One of the things -- since a number of Board Members were able to go to the site. And I did print out an aerial view. Because sometimes, people get a better feel when they can see a picture.

This is the existing front of the building. This is the existing residential house, that's part of the application. This is the nearest property

in the back. And for example, this is a nice white house. It's an older style house.(Indicating)

This is a garage.(Indicating) It's not very far off the property line and goes here. This is another garage building, it's not very far off the property line.(Indicating) My recollection, it's another metal framed building. We're putting something more residential looking and esthetically pleasing here.(Indicating)

It will be closer to the line zoning as well. But not out of the character of things. Let's accomplish what we're looking for. The reasonable use of the property.

There are no, use articles, in law. These are simple area variances. Everything on the application we noted what the existing conditions are. In terms of, the various setbacks of what variances we needed.

We look forward to any comments from the Public. Or any further questions

from The Board?

MR. SANTIAGO: Unfortunately, I wasn't able to make the secondary date of the site visit. I was available for the first one but we didn't have enough people to go. So, I'm sorry for not being there.

On the original set of plans that you provided us, there was a cabinet listed in the actual building for -- gases, right?

MR. LOCH: It's not in the building. It's outside the building. Basically, your code does not allow outdoor storage. We did get a variance to allow outdoor storage. It's a cabinet that's mounted on the back of the building.

You have flammable gas tanks that are associated with things for plumbing. And you don't normally store those inside a building. So, we did get a variance for that. So, I don't believe --

MR. SANTIAGO: From us?

MR. FRISHBERG: No, from the Zoning Board of Appeals.

MR. SANTIAGO: Okay.

MR. LOCH: I think we noted the action that we received that.

MR. SANTIAGO: I wasn't familiar with that.

MR. LOCH: That was probably --

MR. SANTIAGO: -- Many moons ago.

MR. LOCH: -- I did it. It was probably more than 10, years ago. I'm thinking, maybe, around 12 or so.

MR. SANTIAGO: A -- the -- do you have a copy of the new set of proposed plans? The new building that you guys are looking to put up? With the new parking in place?

MR. FRISHBERG: Yeah, I have what we're proposing for parking. That is displayed on this.

MR. LOCH: And this is the first sheet of the site plan. The site plan that we presented to the Planning Board, we were looking at six sheets. But we had one at this point, left blank for details of construction.

Things like, we know we're going to

need a retaining wall through here.(Indicating) Until we get through the zoning, it doesn't make sense to provide details on how to build the retaining wall and things.

MR. SANTIAGO: No, no. You may have changed orders and so on. That will come through as you're constructing the building. But the proposed building itself?

MR. LOCH: You're looking for a floor plan layout?

MR. SANTIAGO: Yeah, just a general.

MR. LOCH: Basically, it's just going to be open space. We're not doing any further offices. I can tell you that, we looked a little bit at it in terms of just the roof line. And I believe there was a submission of a -- a compellation view of it. I don't believe I have a copy.

MS. HUNTER: The one dated July 9th? Right here if you want to borrow mine.(Indicating)

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MR. FRISHBERG: Is that it?
MR. LOCH: Okay. Yes.
MR. FRISHBERG: Does that help?
MS. HUNTER: Yup.
(Whereupon, a discussion was held off the record.)
(Back on the record.)
MR. LOCH: This is the existing.
MR. SANTIAGO: Existing, oh, okay. (Handing)
MR. LOCH: If I may briefly, let me just show you. I'll show you this. I don't seem to have one from the architect regarding -- post -- this sheet. I believe is the existing building. Let me just go over that in terms of what's going on.
We're not really proposing to change anything on this.(Indicating) This is existing. What it has right now is, offices all up in the front. This is all various storage space.(Indicating) Most of this, they indicated is various remarks and things. And to put particular things in.

They have more storage space here.(Indicating) This is actually set up right now, it's just open floor area. They had some more racks, but yet they're more in a way, easily removed. They are current access to this is, through a garage door.(Indicating) And they -- what they are proposing -- is to enlarge this.(Indicating) Which is to add more storage space to it.
MR. SANTIAGO: Do we have a copy of that? Just that proposed?
MS. HUNTER: Because this is six sheets.
MR. LOCH: You should have a full copy of the site plan. Which is what we're proposing to do.
MR. SANTIAGO: This is existing?
MS. HUNTER: This is existing.
THE CHAIRMAN: This is the site plan?
MR. LOCH: This is easiest to follow. This is something the architect put together in terms of when we were just doing a concept plans on this.

MS. HUNTER: That is a separate person. I don't think I have that one, do I?
MR. SANTIAGO: Could we get a copy of that one?
MR. FRISHBERG: You want a copy of this? I'll take a picture for myself and then I'll --
MS. HUNTER: -- If you could send me digitals?
MR. LOCH: I can try and send digitals, if I had this.
MR. FRISHBERG: I can do a digital right now.
MR. SANTIAGO: If the Building Department has a copy we can steal a copy.
MS. HUNTER: If I don't have it the Building Department doesn't have it.
MR. SANTIAGO: Okay. Got it.
MS. HUNTER: I think, one will have to send a digital to you.
MR. SANTIAGO: So -- that cabinet that we talked about has the --
MR. LOCH: Okay. I may -- I have approached the table, so I can point to

various things on the plan. There is a cabinet here,(Indicating) that is used for the outdoor storage area for the gas.
MR. SANTIAGO: That's correct.
MR. LOCH: That's existing.
MR. SANTIAGO: That's assuming, because it will remain inside?
MR. LOCH: Yes. The addition is only back here.(Indicating)
MR. SANTIAGO: So, it's going to stay? In its current location.
MR. LOCH: That will stay in the current location.
MS. HUNTER: Page 4, of the site plan.
MR. FRISHBERG: That is on 4 of 6.
MS. HUNTER: Page 4, of the site plan.
MR. DEJOY: So, the cabinet is independent of this application. It's staying in regard of where it is.
MR. LOCH: Yes.
MS. HUNTER: Send me an e-mail.
MR. SANTIAGO: I think, you're going to have to put pile lines under

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around this. Because it's harmful gas.
MR. FRISHBERG: I had it reviewed.
MR. LOCH: And the (Inaudible) cabinet did not require that -- so, again -- that's an issue we'll address with the Building Inspector if necessary.
MR. FRISHBERG: I don't think that is necessarily. We have jurisdiction as part of this request.
I sent it to you.
MS. HUNTER: Thank you. I'll give it to them tomorrow. Thank you, sir.
MR. FRISHBERG: You're welcome.
MR. SANTIAGO: The -- um -- can I just -- steal that? And take a look at it?
MR. FRISHBERG: Yeah, sure, sure. You will get a copy. I e-mailed it already.
MR. SANTIAGO: All right. Thank you.
MR. LOCH: This is the only addition that we're looking at. And additional parking and doing retaining wall.

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MS. HUNTER: Referring to the map from the architect.
MR. SANTIAGO: Right.
MR. LOCH: This is the somewhat simplified view of what we put on the site plan.
MS. HUNTER: Number S-101.
MR. FRISHBERG: That's correct.
MS. HUNTER: Just, she's taking the minutes tonight.
MR. FRISHBERG: Oh.
MR. SANTIAGO: Um -- the only thing is when you submitted, this is what we have. And, what this shows, 5 foot 10 inches, 7 by 6 inches. Right, so --
MR. LOCH: What I indicated was --
MR. SANTIAGO: - This is a concept plan from the architect -- oh, okay.
MR. LOCH: I just really got this because, since it's much more of a block construction, it has a lot less technical information on it. And it's easier to point at that.
MR. DEJOY: The proposed 8 by 4?
MR FRISHBERG: Right.

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MR. SANTIAGO: From the one line it is 8 by 4 feet.
MR. DEJOY: From the nearest.
MR. SANTIAGO: On here it shows 5 by 10 inches.
MR. LOCH: Yes. This is just for illustrative purposes. And it changed. So, that's why it's saying that. In all fairness, the architects tend to think a little bit more one dimensionally.
MR. FRISHBERG: And we pointed out with the gray differences in the sub-retaining walls.
MR. LOCH: I mean, they are not high walls.
MR. FRISHBERG: We're looking at the range of 4 feet.
MR. SANTIAGO: You know -- it's still good to look at simplified, because this has got all the zoning lines. And with the sewer and everything else, we're just looking at structures. And I just want to see if that works -- I mean, both work. But it just makes it a little easier.

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MR. FRISHBERG: Yeah, okay.
MR. SANTIAGO: The buffer zone is only 10 feet, the current.
MR. DEJOY: So, the required buffer is 20 feet.
MR. FRISHBERG: 20.
MR. LOCH: 20 feet.
MS. HUNTER: I'll fold it up for you. (Handing)
MR. SANTIAGO: I appreciate it, thank you.
MS. HUNTER: Thank you. (Handing)
MR. LOCH: I think the last thing I was doing, I was trying to answer questions as you were bringing them up.
MR. SANTIAGO: Oh, yeah, I'm sorry.
MR. FRISHBERG: Any further questions? I will try to answer them.
MR. SANTIAGO: How big is the proposed addition onto the property?
MR. FRISHBERG: 2,417, I think. Am I, right?
MR. LOCH: That sounds about right.
MR. FRISHBERG: 2,417.
MR. SANTIAGO: 2,417.

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MR. DEJOY: So, just to reiterate, there's no construction proposed for the residential, right? Those variances are by virtue of the lot line change?

MR. LOCH: Yes. Oh, by the way, your code doesn't have lot line change.

MR. DEJOY: What do they call it, a Con-Ed adjustment?

MR. LOCH: No. This is a minor subdivision. You don't have a lot line change defined in your code.

MR. DEJOY: Okay, got you.

MR. LOCH: That's why we have that.

MR. FRISHBERG: So, basically, for the residential -- 2,416, sorry.

MR. LOCH: We have a number of existing nonconforming. There's two nonconforming. The front part is developing, by our action getting smaller.

However, because we agreed to provide easement and parking and access and things, we're functionally making it a better piece of property.

So, we're trying to --

MR. SANTIAGO: -- I remember last

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time you had tenants currently in that house. Have they vacated the premises?

MR. LOCH: I believe they were leaving this month. I don't know. I haven't been over there, knocking on the door.

MR. FRISHBERG: So, I drove past there, there wasn't anybody. Remember in the last visit in May, they were supposed to leave the very next day or two days later.

MR. LOCH: They indicated sometime in June, they would be out. Maybe, it was early June. I haven't personally been there to verify they're out.

MR. SANTIAGO: Got yeah.

MR. LOCH: I know the property owner was looking forward for the tenants leaving. And I'm hoping that has happened.

MR. SANTIAGO: Is there -- an issue?

MR LOCH: Not that I'm aware of in terms of just specifics. It's just --

MR. FRISHBERG: -- As far as I

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know, he doesn't have a lease. He's a month to month tenant. So, if we have to evict him we could.

MR. LOCH: He was the previous owner of the property. And he reached an agreement to be able to lease it for a certain period of time. And he was supposed to make his own arrangements for moving out. And, what he was doing, I don't know exactly the details of that.

MR. DEJOY: That agreements was a

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legally binding agreement? Or a gentlemanly hand shack?

MR. FRISHBERG: Was it writing or handshake? That's a good question.

MR. DEJOY: I think --

MR. FRISHBERG: I don't remember.

MR. DEJOY: You're referring to the lease agreement?

MR. LAMARCH: Yes.

MR. DEJOY: I think, that's the property owners problem. Not the Zoning Board's portion.

MR. LAMARCH: Right.

MR. SANTIAGO: On the certain

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matters for ones proposed and for future reference, is it viable for The Board to ask whatever proposed -- or whatever project being brought to us, the ZBA, to get like, almost like, a signed agreement between them?

And let's say, for example, there's two residential properties that abut to them, like, if they are okay with that?

MR. DEJOY: No. It could not require them to sign any kind of agreement. You know -- they have the opportunity to come out to the Public Hearing and voice their opposition. Or support. If they choose to come out. You can take that into consideration.

MR. SANTIAGO: Is it noticed to them directly?

MR. DEJOY: Yes. They get it in the mail.

MR. SANTIAGO: Just curious.

MS. HUNTER: For the record, I apologize, for that. The Applicant, on June 4th, gave me or will be giving me

that, you have them in your hands.

All notices were sent out I think, you gave me yeah -- (Handing).

MR. FRISHBERG: -- I offered them last time.

MS. HUNTER: I have the e-mails. But this is the Applicant has notified the surrounding areas. And whoever has received it, acknowledge it or returned, we have proof of that.

MR. SANTIAGO: Very good.

MS. HUNTER: Thank you, Mr. FRISHBERG.

MR. LOCH: Also, I realized there was technically no meeting, because there was no quorum. I did not observe any e-mail and/or writing.

I did not observe who I thought was here in connection with the Applicant or application. I can't speak for everybody here.

MS. HUNTER: I believe everyone, Aaron was here.

MR. LOCH: I believe everyone here has an interest. This group here is for

the third application here.

MR. FRISHBERG: There was.

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

(Back on the record.)

MS. HUNTER: All right. There's too many conversations going on, the Stenographer can't hear.

MR. LOCH: But to my knowledge last month there was nobody from the Public.

MR. DEJOY: Maybe, that's a good segue to open up to the Public. If anyone's here, it sounds like, probably not. But we should at least ask anybody from the Public that wants to speak on the Garfield Plumbing? No all right?

And, we didn't receive any written comments from the Public.

MS. HUNTER: No written comments.

MR. SANTIAGO: Very good.

THE CHAIRMAN: Is The Board ready to take a vote?

MS. HUNTER: To close the meeting.

MR. FRISHBERG: I would ask if the Court close the Public Hearing.

MR. DEJOY: Are you ready to close this Public Hearing and move forward with a decision on this application?

MS. TORRES: I'm fine with closing.

MR. SANTIAGO: Site visits are needed.

MR. DEJOY: Does somebody want to make a motion?

MS. TORRES: I make a motion to close the Public Hearing.

MR. DEJOY: Do I have a second?

THE CHAIRMAN: I second.

MR. DEJOY: All in favor?

MR. LAMARCH: Aye.

MS. TORRES: Aye.

MR. DEJOY: For this application, The Board has not met with SEQRA. This is un-elicited under SEQRA. We need a determination of significance. And I think, based on the documents submitted, everyone would agree that, any negative declaration is probably appropriate for this application.

So, do we have a motion for The Board to adopt a negative declaration?

THE CHAIRMAN: Yes, making the motion.

MR. DEJOY: Do we have a second?

MS. TORRES: I'll second the motion.

MR. DEJOY: All right. All in favor?

MS. TORRES: Aye.

MR. SANTIAGO: Aye.

MR. LAMARCH: Aye.

MR. DEJOY: Before The Board votes, it would be helpful for me to read through the 25 factors.

MS. TORRES: Sure.

MR. DEJOY: Unless, everybody has that chart? So, I'll go ahead and read through.

The first thing is, whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by the granting of the area variance.

Two, whether the benefit sought by the Applicant could be achieved by some method, feasible requested for the

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Applicant to pursue, other than the area variance.

And three, whether the requested variance is substantial.

And four, whether those proposed variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

And five, whether the alleged difficulty was self created.

Now, when you're thinking through these factors in making your decision, The Board, to keep in mind this is a balancing test. You don't necessarily have to find in favor of the Applicant on all five factors.

You might find that the Applicant doesn't need it. In order to adhere to the other two factors, it's up to you to outweigh it. Or visa versa. It's up to you as individual Board Members.

With that in mind, do we have a motion to approve the variance that is -- are requested? Individual vote?

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We need a motion first, then you will each vote.

THE CHAIRMAN: I make a motion to approve the variance.

MR. DEJOY: Do we have a second?

MS. TORRES: I second.

MR. DEJOY: Now, at this time, Mike, I'll start with you.

THE CHAIRMAN: Sure -- um -- first question.

MS. HUNTER: So -- are we doing this one -- the proposed?

MR. DEJOY: It's all the variances.

MS. HUNTER: Everyone knows what we're voting on publicly?

MR. SANTIAGO: Do you want to just review?

MS. HUNTER: I'm just making sure.

MR. SANTIAGO: Yes.

MS. HUNTER: No, decision on each factor?

MR. DEJOY: The Board will deliberate but that's a good idea. Let's review the variances that are requested.

Proposed Lot Number 1, as to

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commercial lot. For variances, to reduce the required 20 foot buffer between the business and residential, 200.

The second variance for the commercial lot is a rear yard setback from 35 feet to 8.4 feet. That's for the building.

And then the Lot 2, the residential lot. Minimum lot area from 15,000 to 4,477, square feet. Minimum lot width to be built 4,840 feet to 10 feet. And side yard setback 20 feet to 1.3 feet. And maximum lot coverage 20 percent up to 281 percent.

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

(Back on the record.)

MR. SANTIAGO: Do you have a copy?

MS. HUNTER: You should have copies together for tonight.

MR. SANTIAGO: Was I missing it?

THE CHAIRMAN: That's it.(Indicating)

MS. HUNTER: This is June 4th, where is the one from -- I had packets for

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each application. I don't know what happened to your packet. This is 200 -- all right. I'll -- give you -- I'll give you the spare one -- since she's not here.(Handing)

THE CHAIRMAN: She's got a spare.

MS. HUNTER: Because for each meeting, I have the agenda and I have the paperwork attached to it.

MR. DEJOY: Unless, somebody feels they want to approve one variance or not? You are free to consider them all.

MS. TORRES: Yeah, I'll follow along.

MS. HUNTER: Okay. I can't find it right now.

MS. TORRES: Okay, hit it.

MR. FRISHBERG: Hit it.

MS. TORRES: Are you going through each one? I'll listen.

THE CHAIRMAN: Yes.

MR. FRISHBERG: You can borrow Page 2, of my letter, if you want. I have it there, if that's helpful.

MR. SANTIAGO: No. No, you should

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have a hardcopy.
MR. LARMARCH: Here.(Handing)
MR. DEJOY: And it would be helpful I would be happy to read each factor one at a time. And each person can share their thoughts on that.
MR. FRISHBERG: If helpful to you, I have my letters. I have the variances listed if you want it?
MR. SANTIAGO: No. I don't want it to eat up -- you know -- unnecessary time.
MR. FRISHBERG: Okay.
MR. DEJOY: Mike, should we start with you now?
THE CHAIRMAN: Yes, just read it out.
MR. DEJOY: Sure. The first factor, whether an undesirable change will be produced in the character of the neighborhood or a detriment?
THE CHAIRMAN: Um --
MR. DEJOY: So, we're considering all the variances.
THE CHAIRMAN: All the variances.
MR. DEJOY: Yeah.

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THE CHAIRMAN: I feel that, the variances would -- a -- be ruled in distinction between residence and commercial lots. Since, I'm -- I did go on a site visit. And it was pointed out to me that the business owner is seeking more storage in the area. And the way their going to conduct it, it does seem safe -- is this a yeah or nay, thing?
MR. DEJOY: Well, so we can -- if you want, I can read to each factor. You can respond to each one individually. Or if you feel that you can make a decision cohesively, you can, yes or no.
I don't have to read through it.
THE CHAIRMAN: So, for the first factor I would -- the buffer area variance I would say --
MR. DEJOY: -- So, you don't have to you -- if you want to, you can vote on each variance, individually. But you can just say, yes or no for all the variances.
THE CHAIRMAN: Yes or no, for all the variances?
MR. DEJOY: Yes. So, if you're

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going to vote the same way for each variances, you don't have to put them.
THE CHAIRMAN: All the variances, I would say, yes.
MR. DEJOY: So, you vote yes.
THE CHAIRMAN: I vote yes.
MR. DEJOY: Okay. So, Aaron, would you like me to read through these?
MR. SANTIAGO: No, that's okay. I'm -- I'm voting and -- in -- as of all together -- reducing the required 20 foot buffer between business and residential to zero does impact our community. And it does set a precedent for other Applicants going forward.
So, unfortunately, I will vote, no. (Handing)
MS. TORRES: I hear, that -- I didn't get to visit but I understand that the way it's being constructed it will look visibly similar, to the other homes. And not look necessarily like, a business. So, I would vote, yes.(Handing)
MR. LARMARCH: I actually agree with Aaron -- you know -- so, I will have

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to vote, no.
MR. DEJOY: All right. So, just keep in mind, that would mean a denial of all the variances. So, you need at least three in favor. So, if that's your vote, that's fine. If you want to -- you know -- think about the variances individually, you can do that too. It's up to you?
MR. FRISHBERG: Am I allowed to be heard?
MR. SANTIAGO: I would recommend breaking out the variances individually. Um --
MR. FRISHBERG: I would -- I just want to be heard on one issue that Mr. Santiago mentioned. I'm hoping that you'll agree with me.
You were concerned about precedence. My understanding is, each variant stands on its own. So, the fact that you are approving our variance, which you're right. It has a substantial -- is substantial regarding that. Does not bind you to approving anybody else's variances.

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So, if you're concerned about setting a precedent for other variances and I think -- I say this with due respect, your concern is misplaced.

MR. SANTIAGO: It's of no significance to this specific case. But I can mention other properties locally that are also -- would be looking to do the same exact things, right. And it does change the character of the community.

MR. FRISHBERG: But that's a different issue.

MR. SANTIAGO: Everyone building abut to abut.

MR. FRISHBERG: That's a different issue. I was simply addressing the people issue.

MR. DEJOY: I guess to your point, every property and every application is different.

MR. SANTIAGO: Absolutely, I get it.

MR. FRISHBERG: So, if you were concerned that, gosh, I give you a zero buffer. I gotta give the next guy a zero

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buffer, that's not true.

MR. SANTIAGO: No. But okay, again, it changes the character.

MR. FRISHBERG: I don't think it changes that much of the character of the neighborhood. Because of the lot line and the house behind it. And I mean, you haven't been to the site like, Mr. Pettiford was. And, how many feet behind that --

MR. LOCH: Well, actually, let me get down to the core issue here.

MR. SANTIAGO: Is it a lot --

MR. LOCH: -- I get the impression that the biggest concern is the buffer. And then, the practical reality is, even getting aside from the building, the main reason the Applicant is trying to do this project is parking.

And if we can't get relief from the 20 foot buffer, I don't have the ability to build this entire level parking. So, what we claimed was a bit of a problem for using the site, even regardless for the building.

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And I don't have any benefit from -- this property, essentially. We've tried to take property that is sort of an foreign piece of residential use. That is located within a business zone and put it to a business use.

I do understand the concern about the buffer. Because I do try to see what we could do to physically provide some buffer. And I will admit that my options are somewhat limited. I can't do screening in planting because of the sewer line. And I can do substantial things on top.

However, some of what we're doing to minimize via the fact that on the adjourning residence is, you notice we indicated a retaining wall. The parking will actually be sitting below grade.

Not enough to shield a car but if you have like say, an average car you might see the roof tops and stuff. But even there,(Indicating) you won't see it very much. The house right here(Indicating) for the most part, the grade level drops off, its lower.

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MR. DEJOY: Sir, if I could just interrupt, what about a fence, on top of the retaining wall? If The Board were to condition a fence?

MR. LOCH: Yeah, we would have no issue providing fencing on top of the retaining wall. There is an existing fence here now, near the property line. It's a chain link fence. To be honest, you can see through it. One of the thoughts I did have, was whether we could do any type of screening and stuff with it.

But one of the instances is, it's not our fence. I believe that's the neighbor's fence. Part of it's actually over on the neighbor's property. And part of it extends onto our property.

I'm pretty sure that just by the general fencing material and construction seems to match up. And I'm pretty sure that's owned by the Miller Family Irrevocable Trust.

I would be happy to discuss with the neighbors if there was something in

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particular that they would want. If there's something we could do on it. To be honest, I tried to encourage my Client to do -- was to try and keep the building -- a -- as harmonious as possible.

You know, buildings are something that people look at for the architecture. We're trying to make sure that this doesn't look like a simply metal, like, a metal building that was just put up next to it. And not a place for residential.

If you go to the site plan now, the building is put up with siding. Which is used more traditionally used with residential construction. It's not something that looks like, it's a commercial operation.

The storage, the engine in there is quiet. I had some discussion with them, whether they want something that would provide windows on this side of the building? Or -- you know -- just do something that is kind of decorative on it. We're willing to do things like that.

But if I can't get some relief from

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that buffer, I don't really see a feasible way for to get any of the Applicant's cars for the parking. Because right now, I'm at the minimum to be able to pull here and swing in the parking spaces. Pull back out and leave. And there's limits in terms on how I can physically move cars around.

MR. DEJOY: So, for The Board Members -- you know -- part of your power in granting variances is that you can site unreasonable conditions for your approval.

For example, you can say that, we will grant the variances on the condition that the screening fence to block the view of the cars, is placed on top of the retaining wall.

MR. SANTIAGO: I know -- it doesn't make sense -- I don't normally ask for permission, sir. And I normally wouldn't say, I'll go and drive to the property, because I will not trespass.

I don't know enough about the backside of the property there. Again, I don't want to trespass on somebody else's

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property.

MR. LOCH: We're trying to schedule stuff for the previous application, I'd be happy to schedule to go right from there to here.(Indicating)

MR. SANTIAGO: I'm fine with that.

MR. LOCH: If that would do something that would make it more comfortable to altering your decision at the moment.

MR. SANTIAGO: So, then, let's keep it open. And -- you know -- I'll take a look at it. And kill two birds with one stone.

MR. LOCH: Anybody else, is welcome too.

MR. DEJOY: All right. In that case, get a motion to keep the Public Hearing open and the vote is not going to proceed.

MR. SANTIAGO: I motion to keep the Public Hearing open.

MS. TORRES: I second that.

MS. HUNTER: You have to rescind that motion. You have to rescind that

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motion first.

MR. FRISHBERG: She's right.

MS. HUNTER: You have to rescind. Tracey, you made the motion and Mike seconded. So, you're rescinding the motion?

MR. DEJOY: Yes. So, for the clarity of the record, do you want to make a motion to rescind?

MR. SANTIAGO: For the record, we're going to rescind the motion to --

MR. DEJOY: -- To approve.

MR. SANTIAGO: -- to approve. And we're going to keep the Public Hearing open. Can I get a second?

MS. TORRES: I second that motion.

MR. DEJOY: That will be until August 6th.

MR. FRISHBERG: August 6th, is the next meeting?

MR. LARMARCH: Yes.

MR. FRISHBERG: All right. It doesn't matter, you may be here. I think I will be here.

(Whereupon, a discussion was held

off the record.)

(Back on the record.)

MR. LOCH: If I may, I do note that you are short a Board Member this evening.

MR. DEJOY: I think, as I understand we're currently a four Member Board.

MR. LOCH: I understand that. Should there be a fifth member added, I extend the invitation to review the site or review any materials.

MR. DEJOY: Sure.

MS. HUNTER: I'm not sure what the Village Board is doing at the next week --

MR. LOCH: -- I'm just trying to make the offer.

MR. FRISHBERG: Just for my clarification, what were we? A four Member Board or five Member Board?

MR. DEJOY: Five Member board.

. THE CHAIRMAN: We had a resignation.

MR. FRISHBERG: All right. We need more volunteers.

MR. SANTIAGO: You want to join?

Sometimes, it's a little strange to have lawyers on your Board.

MR. FRISHBERG: No. They like me on the Board. I gave them a cheat sheet. I'll bring you my cheat sheet for the factors.

MS. HUNTER: All right. Any updates you'll send me digitally, also?

MR. LOCH: Yes.

MR. FRISHBERG: I sent you that S101. Yeah, the S101, I sent you.

MS. HUNTER: Yes, this is good.

MR. FRISHBERG: Yes. So, the way we're leaving it, we're keeping the Public Hearing open.

MR. DEJOY: Yeah.

MR. FRISHBERG: We're scheduling a site plan. Let me know. I would like to try to be there if that's possible.

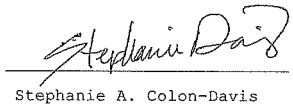
(Time noted: 9:08 p.m.)

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 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)."



Stephanie A. Colon-Davis

2Dated: July 2, 2025

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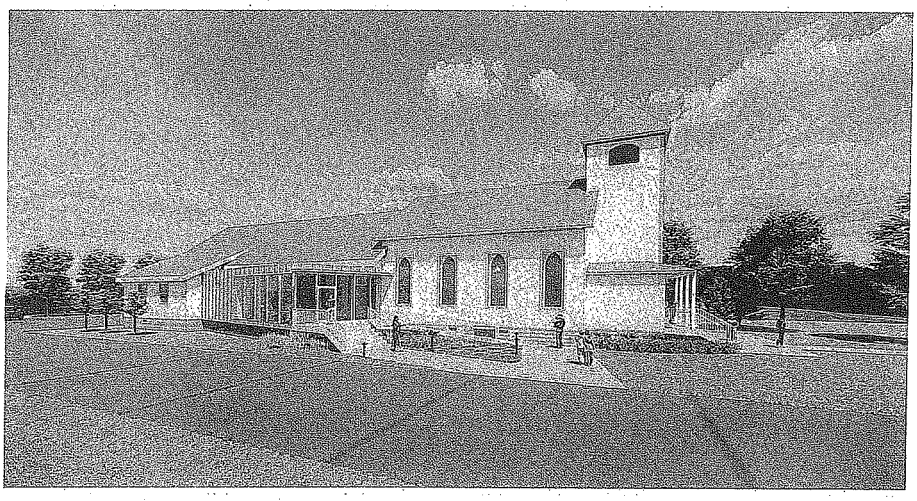
Taconic Art Center in the Village of Harriman, NY

Proposal submitted to the Planning Board for its June 16, 2025 meeting



Rendered view of the Taconic Art Center, seen from the intersection of Church & James Streets.

Taconic Art Center proposes to adapt the former church building on 13 Church Street, to an arts center. The building will be preserved, made more resilient, with updated mechanical, electrical and plumbing systems; and ADA accessibility will be improved. A new entry pavilion, in a contemporary architectural language will welcome the visitors. The remainder of the current structure will be preserved from the outside.This combination of the historic and contemporary, will signal both continuity and change.

The congregant origin of this historic building will be celebrated through an art gallery. Gallery exhibitions will be free and open to the public. Events and programming to serve local art lovers will be organized, to welcome them into this new center within the historic building. The gallery will be supported by office spaces, art handling and storage facilities, and live-work spaces for a couple of visiting artists from all over the country, and the world.

Taconic Art Center will generate low quantity, but very high quality traffic. The current parking lot is envisaged to be adequate for the foreseeable future. It is also envisaged that the center will employ 2-3 local staff members who will work in the gallery and in support functions of the gallery.

Taconic Art Center aims to be a good neighbor and an invested member of the Harriman Village community.

taconic ART SYSTEMS

13 Church Street, Harriman, NY 10926