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ZONING BOARD OF APPEALS
AGENDA
JUNE 2, 2021
7:30 p.m.

1. PUBLIC HEARING
   LEWIS BEAL III
   106-5-1.1
   RESIDENTIAL AREA VARIANCE

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF MINUTES – APRIL 7, 2021, MAY 5, 2021

5. LEWIS BEAL III
   106-5-1.1
   RESIDENTIAL AREA VARIANCE

THE NEXT ZONING BOARD MEETING IS SCHEDULED FOR WEDNESDAY JULY 7, 2021 AT 7:30PM
SUBMISSION DEADLINE FOR THE ZONING BOARD MEETING IS WEDNESDAY JUNE 23, 2021

VILLAGE OF HARRIMAN ZONING BOARD OF APPEALS
JUNE 2, 2021
7:30 pm

Chairperson Sandoval opened the Village of Harriman's June 2, 2021 Zoning Board of Appeals regular meeting at 7:30pm.

Opened the ZBA Meeting with the Pledge of Allegiance

Roll Call

The following persons were present:

- Reyna Sandoval - Chairwoman
- Darrin Sainato – Member
- Laurine Miller - Member
- Joseph McKay, Esq.
- Barbara Singer – Deputy Clerk/Secretary

The following persons were absent:

- Christine Paez - Member

Motion was made by Member Miller to approve the April 7, 2021 minutes.
Second by Member Sainato
Aye: Chairwoman Sandoval **Nay:** -0-
Member Sainato
Member Miller

Motion was made by Chairwoman Sandoval to open the Public Hearing.
Second by Member Miller
Aye: Chairwoman Sandoval **Nay:** -0-
Member Sainato
Member Miller

PUBLIC HEARING

LEWIS BEAL III
106-5-1.1
RESIDENTIAL AREA VARIANCE

Chairwoman Sandoval: Mr. Beal, could you give us an overview of your application. Then I'm going to go through the factors with the Board members to see if there's any discussion.

Mr. Beal: I would like to put a front porch on the house, it's encroaching on the 30' minimum front yard. It's close to the Village road. I think it'll be 6' closer.

Chairwoman Sandoval: You had stated also that there was some water damage that you were looking to fix?

Mr. Beal: Yes, in the front of the house. It never gets any sun. Mainly it's just so that we would have a nice open porch to sit on. I have to put a new roof on the house and now is the time to do it before I put the roof on. If you have any questions on the plans, I can explain that to you.

The Board members don't have any questions.

Mr. McKay: Has the Clerk received the proof of mailings to each of the addresses that were required?

Ms. Singer: Yes, all of the addresses were mailed. A total of 45 mailings with 32 signed receipts.

Chairwoman Sandoval: There was also a Public Hearing notice that needed to be published in the paper, was that completed?

Ms. Singer: Yes, that was done.

Chairwoman Sandoval: I'm going to go through the factors so that the Board members can discuss them. The first factor would be whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting of the area variance.

Member Miller: No, there wouldn't be any change.

Member Sainato: I don't think it would be out of character for the neighborhood. I think it would be an improvement to the neighborhood.

Chairwoman Sandoval: Factor #2 reads, whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the area variance.

Member Miller: I don't see how anything else could be done.

Chairwoman Sandoval: I think for what you're trying to achieve n terms of the porch, and having an area to sit, I agree with the Board members. I feel you're trying to make your property look better and protect the front of your house.

Mr. Beal: Right now, there's two small stoops, that are concrete but you can't sit on them, they're too small.

Chairwoman Sandoval: Factor #3 reads, whether the requested variance is substantial. We did discuss that this is approximately 30.4' from the front yard line and this was grandfathered in because this property is non-conforming today because the Code was not written when the property was developed. The next factor #4 reads, whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Member Sainato: We discussed the stormwater the last time?

Mr. McKay: Yes, I think we discussed that at the last meeting. The applicant said that he was putting on a new roof, you don't need a variance for that. So I don't know if you would really expect any additional water to run off the property. Presumably there would be gutters on the porch. Do you expect any more rainwater or stormwater to run off the property? Is there any puddling?

Mr. Beal: There are gutters on it now. I don't expect there to be any additional water and there isn't any puddling. The way the property runs, the water would run onto my property towards South Main Street. There's no problem now and there's a little more roof area, but not much.

The water runs on my property, not towards the front but to the East, towards South Main Street.

Member Sainato: Thank you.

Chairwoman Sandoval: Factor #5 reads, whether the alleged difficulty was self-created. It could be because you could protect the property without the porch.

Member Miller and Member Sainato have no comments.

Mr. McKay: Just so that the Board is aware, just because something might be self-created, I think what you're saying is that if he just fixed what was there, there wouldn't be any hardship. It would just be a repair and you wouldn't need the variance. So the Board could certainly say that and it would be a self-created hardship. I'm not saying that I'm saying that is something for the Board could find. But that's only one of the five factors and simply because the hardship is self-created is not a reason that the application would need to be denied. You could say yes, I understand that it's self-created, and we balance that with the other factors and because it's going to be aesthetically pleasing, it's going to be a benefit to the neighborhood, whatever the Board might decide, in balancing the five factor overall, even though it might have been a self-created hardship, we are still going to approve the variance.

Chairwoman Sandoval: And I agree with that. Given what it will give the neighborhood. It will be a lot more aesthetically pleasing than what you currently have today. And to Joe's (McKay) point, in balancing it out all of the other factors that are written here, I would agree that this isn't a reason to deny or not grant the application. With that being said, if the Board members don't have any more questions or comments for Mr. Beal, we can move into the decision stage.

Mr. McKay: Before you move to make a decision, now that some information has come out, you can ask the public if they have any questions.

Chairwoman Sandoval: Is there anyone that would like ask any questions or make any comments or voice any concerns?

There were no comments, questions or concerns.

Mr. McKay: Are we correct that you're looking for a variance of 15.6'?

Mr. Beal: Yes.

Mr. McKay: I would like to say to the Board, during construction instead of being 15'6", based upon the roof line and what you need to do, maybe it's 16' or 16'6". Just based on whatever happens when you actually have it built.

Mr. Beal: Maybe if they ran into some kind of a snag or something, I guess that could possibly happen but I don't see why it would.

Chairwoman Sandoval: So the plans aren't estimated, they are actual plans.

Mr. Beal: Yes, that's correct.

Motion was made by Chairwoman Sandoval to close the Public Hearing.
Second by Member Miller
Aye: Chairwoman Sandoval **Nay:** -0-
Member Sainato
Member Miller

15:09

LEWIS BEAL III
106-5-1.1
RESIDENTIAL AREA VARIANCE

Present: Lewis Beal III, Owner

Motion was made by Chairwoman Sandoval to close the regular meeting of May 5, 2021 at 7:50pm
Second by Member Paez
Aye: Member Sainato
Member Paez
Chairwoman Sandoval **Nay:** -0-

Minutes Respectfully Submitted by:

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Barbara Singer – Secretary