VILLAGE OF HARRIMAN
ZONING BOARD OF APPEALS

1 Church Street, Harriman, New York 10926
(845) 783-4421, Ext 103

WEDNESDAY, FEBRUARY 4, 2026
MEETING BEGINS AT 7:30PM

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. ACCEPTANCE OF MINUTES – December 3, 2025
4. 51 NORTH MAIN – Reschedule Public Hearing
5. 44 NORTH MAIN – Mixed Use Variance

NEXT ZONING BOARD OF APPEALS MEETING
IS SCHEDULED FOR
WEDNESDAY MARCH 4, 2026 @ 7:30PM

DEADLINE FOR COMPLETED SUBMISSION
FOR REVIEW IS DUE
BY 12:00PM ON FEBRUARY 18, 2026

Chairperson Pettiford opened the Village of Harriman Zoning Board of Appeals regular meeting at 7:30 pm on Wednesday, February 4, 2026. He welcomed everyone, followed by the Pledge of Allegiance and Roll Call.

Present: Chairperson Pettiford, Member LaMarch, Member Torres, Member Carrillo, Member Chowdhury and Attorney McKay,

Absent: None

Member LaMarch made a **MOTION** to accept the minutes from December 3, 2025. **Second** by Member Torres. **Abstained** Member Chowdhury.

OLD BUSINESS:

102-4-5 – 51 North Main Street – AJ Pro 2 LLC

Use Variance and Zoning Code Interpretation

Attorney McKay stated that at the previous meeting the Board scheduled a public hearing for this application, subject to submission of additional materials by the applicant. He explained that the applicant requested additional time to make the required submissions and therefore requested that the public hearing be rescheduled.

Attorney McKay presented a draft resolution rescheduling the public hearing and read the resolution into the record. The resolution summarized that the Village of Harriman received an application from AJ Pro 2 LLC for a use variance and zoning code interpretation for property located at Section 102, Block 5,Lot 5 known as 51 North Main Street, located in the B-2 Business Zoning District. The resolution further noted that the Building Inspector denied a building permit and referred the application to the Zoning Board of Appeals, and that the Board previously deemed the application complete for the purpose of scheduling a public hearing.

The resolution proposed rescheduling the public hearing to March 4, 2026 at 7:30pm.

Member Carrillo made a **MOTION** to adopt the resolution rescheduling the public hearing for March 4, 2026, at 7:30pm.
Second by Chairperson Pettiford, **ALL IN FAVOR**.

NEW BUSINESS:

Application – 44 North Main Street

102-2-3 - 44 North Main Street

Use Variance and Area Variance Discussion

Michael Calise, Engineer for the applicant, addressed the Board regarding a proposed development at approximately 44 North Main Street, a parcel of approximately 4 acres located in the B-2 Business Zoning District. Mr. Calise explained the history of the project, noting that the site had previously been proposed as a two-story office building without variances. He stated that, following discussions with Village officials and the Planning Board, the applicant revised the concept to place the building closer to the roadway with parking in the rear to create green space, pedestrian access, and a more village-style appearance.

Mr. Calise explained that the revised concept included a mixed-use building with retail on the first floor and residential units on the second floor. He stated that the Planning Board supported the concept and referred the application to the Zoning Board of Appeals. He noted that the proposal would require a front yard area variance reducing the setback from 50 feet to 20 feet, and a use variance to permit residential units in the B-2 zone.

The applicant, Dob Mayer, addressed the Board and explained that the revisions were made in response to feedback from Village officials and were intended to better match surrounding development, improve aesthetics, and address floodplain considerations. He stated that the applicant was seeking guidance from the Board on how best to proceed and whether the proposed approach was viable.

Attorney McKay explained the legal standards applicable to a use variance, including the requirement that an applicant demonstrate, through competent financial evidence, that the property cannot realize a reasonable return if used in compliance with zoning. He stated that the applicant had not submitted financial information sufficient to meet this threshold and noted that a self-created hardship cannot support a use variance. Attorney McKay further explained that all statutory criteria must be satisfied for the Board to grant a use variance and that the burden under state law is high.

Attorney McKay discussed alternative options available to the applicant, including pursuing a zoning change through the Village Board or revising the proposal to a conforming use and returning to the Zoning Board of Appeals solely for an area variance.

Board members and the applicant engaged in further discussion regarding the proposed mixed-use development, the front yard setback reduction, parking configuration, floodplain considerations, and neighborhood character. Board members provided informal feedback indicating that, conceptually, the reduced front yard setback and pedestrian-oriented design could be viewed favorably if presented as part of a conforming use. It was emphasized that no formal determination or vote was being made on the merits of any future application.

The Board advised the applicant that no public hearing would be scheduled at this time and that the application would be removed from the agenda pending further action by the applicant. The applicant acknowledged the guidance provided and stated that he would consider the available options before proceeding.

ADJOURNMENT:

Chairperson Pettiford made a **MOTION** to close the regular meeting of February 4, 2026 at 8:21PM.
Second by Member Torres, **ALL IN FAVOR**.

Minutes respectively submitted

Carmencita Villafane, Secretary

VILLAGE OF HARRIMAN
ZONING BOARD OF APPEALS

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Zoning Board of Appeals of the Village of Harriman, New York on Wednesday February 4, 2026 at 7:30 p.m., or as soon thereafter as the matter may be heard, at Village Hall, located at 1 Church Street, Harriman, New York, 10926. The applicant is seeking a use variance to permit the property to be used as a multi-family residence, which is not permitted in the village's B-2 Zoning District. The parcel is designated on the Orange County tax map as Section 102, Block 4, Lot 5, and has an address of 51 North Main Street.

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

The Village of Harriman will make every effort to ensure that the hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Village Clerk.

BY ORDER OF
THE ZONING BOARD OF APPEALS
VILLAGE OF HARRIMAN
MICHAEL PETTIFORD, CHAIRMAN

DRAKE LOEB PLLC
ATTORNEYS AT LAW

555 Hudson Valley Avenue, Ste. 100
New Windsor, New York 12553

Phone: 845-561-0550
Fax: 845-561-1235
www.drakeloeb.com

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gaba
Adam L. Rodd
Dominic Cordisco
Ralph L. Puglielle, Jr.
Alana R. Bartley**
Aaron C. Fitch

Sarah N. Wilson
Michael J. Barfield **
Adam M. Tack
Ivan M. Bonet

Jennifer L. Schneider
Managing Attorney

**L.L.M. in Taxation*
***Member NY & NJ Bar*

January 14, 2025

BY EMAIL ONLY

Michael Pettiford, Chairman
Zoning Board of Appeals
Village of Harriman
Village Hall
1 Church Street
Harriman, New York 10926

Re: 44 North Main Street // ZBA referral

Dear Chairman Pettiford and Zoning Board Members:

At the Planning Board's December 15, 2025 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the variances required for the project. The property is located at 44 North Main Street and is identified on the tax map as section 102, block 2, lot 3. The applicant is proposing a two-story office building with parking, municipal water and sewer services and on-site storm drainage system, and 44,000 square feet of proposed wetland area to be created to the west of the building site. The project requires site plan approval from the Planning Board. The property is located in the B-2 zone (General Commercial).

The following variances were identified based on the most recently reviewed plan set:

1. The applicant proposes apartments on the 2d floor of the building, which is allowed in the B-1 zone as a special permit use, but this project is located in the B-2 zone, which only allows for the "business uses" in the B-1 zone. The applicant may need a variance or interpretation in this regard.

2. The required parking is deficient by one space. The total need for parking is 51 spaces, and 50 spaces are shown. If the applicant does not revise the plans to provide an additional parking space, a variance for the deficient parking space shall be required.

3. The front yard setback requirement in the B-2 zone is 50 feet, and the applicant is showing a 20-foot setback to the building. A variance for the 30-foot deficiency would be required.

Thank you for your consideration of this matter.

Very Truly Yours,

Dominic Cordisco