

VILLAGE OF HARRIMAN PLANNING BOARD MEETING

Regular Meeting

February 24, 2014

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Chairman Don Danzeisen opened the Village of Harriman Planning Board Regular Meeting of February 24, 2014 at 7:30p.m.

ROLL CALL:

Present: Board Members: Don Danzeisen; Chairperson, Irma Escallier, Martin Stanise, Juan Quinones and; John Russo, Engineer; Kevin Dowd, Attorney; Ron Walker, Building Inspector and Jane Leake, Deputy Clerk/Recording Secretary

Absent: Frank Borowski

APPROVAL OF MINUTES:

Motion was made by Irma Escallier to approve the minutes of November 18, 2013 Public Hearing. Seconded by Martin Stanise. All in Favor

Motion was made by Irma Escallier to approve the minutes of November 18, 2013 Regular Meeting. Seconded by Juan Quinones. All in Favor

Mr. Danzeisen stated the December 16, 2013 minutes will be tabled.

TRI-STAR MANAGEMENT

102-4-1-1.221

Mr. Anthony Trochiano, Engineer of Pietrzak & Pfau addressed the Board on behalf of Tri-Star Management stating the last time we were here before the Board was October 21, 2013 and at that time we had received comments from John. Since then we have revised the plans according to his comments and prepared a drainage analysis which was submitted to the Board. We have also reached out to a couple of regulatory agencies that are involved in the project. We contacted the Orange County Sewer District to tie into their sewer. We verified that the Sewer District did have an informal discussion with the previous Engineer, but they were never given a formal application so we submitted plans and a formal application to them concurring with this submission we have made to you. We also contacted NYS DOT and spoke to Kim Henken, she had an old plan from August 2012, therefore we also submitted a new plan to her and she is going to review that. Most of the revisions that we made to the plans were minor items and one macro item, the drainage analysis. We did take a look at an underground potential structure that we could potentially put on the property. While we were doing the analysis it revealed that the increase and flow rates that we are going to get from this site for the proposal were very negligible, they were small. In our opinion it doesn't have an impact on the stream. So the drainage analysis we provided you didn't show any potential structures on the property it just shows what those increases were and that they were minor in nature.

Mr. Russo replied #1 the parking calculation on the table should be revised you have more spaces shown on the plan than you actually provide on the table. The EAF should be updated because you are within 500 feet of the Ramapo River. The Erosion Control Plan should show the limited disturbance providing on the plan what the total disturbance is for the site. With regards to the storm drainage we think you should look into putting in water/oil separator or snouts because you have a motor vehicle shop. You can't have vehicle fluids leaking across that parking lot and entering into the system. So somehow we would like to protect the Ramapo and Wells in the area so we would like to see something.

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Mr. Trochiano replied I know we are proposing a structure in the front of the property so as long as we can direct everything to that.

Mr. Russo stated you need to do something. I know on the plans you have a note that pans would be put under if you have any leaking fluids but if something is leaking during the middle of the night and it is raining how much is going off until you actually find it. We had talked about screening along the side of Lexington Hills Road along the back you are now showing trees and fence along the side but there is still nothing showing along the back side of the property there, so we think you should add some additional screening or planting along the back there for the residents that are up behind there.

Mr. Trochiano replied I believe it is wooded back there? We are not grading all the way to the back of the property.

Mr. Russo asked Irma you can see right down through that property, am I correct?

Mr. Escallier replied right now you can, straight back. When I go up there you can see straight back. We can see the whole rear, the tires, and cars.

Mr. Trochiano replied we will put in deciduous trees.

Mr. Russo responded I would put in more like an evergreen because deciduous you will wind up with the same situation now where you can see right through everything. Put some evergreens on the top of the bank there so you are kind of hiding it from the back. Handicap, no parking signs need to be added on the plans, you can add it onto the details. The construction details for the handicap parking stalls need to be revised according to the 2010 standards. You are showing an access aisle of 5' wide in both parking stalls and both parking stalls being 10' according to the ADA code one of those would have to be van accessible.

Mr. Trochiano replied I just assumed that there wouldn't be a van accessible one.

Mr. Russo responded according to the code you have to. So you have to assume that one of them is going to be van accessible. I pointed out all of the sections there. You are showing an easement tying in for the storm drainage on the corner of Concord property there. Has there been a discussion?

Mr. Trochiano replied yes I spoke to Art Price and he is going to give me the easement for that.

Mr. Russo asked so there is going to be a legal agreement that you are going to be submitting with everything else.

Mr. Trochiano replied that's right.

Mr. Russo stated when it comes about you are going to need to put the meets and bounds on the plans for that and submit that legal agreement in descriptive. The construction details for the proposed storm water manhole and drainage swales should be provided on the plans. Concrete encasement is currently proposed for the existing water main with proposed lateral crosses, but there is no encasement detail showing on the plans so that needs to be added. Once again anything you are submitting to Orange County Sewer District #1; cover letter and whatever it may be, you should also be submitting to this Board and any other agency or DOT's.

Mr. Trochiano replied okay.

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Mr. Russo stated in regards to the dumpsters, I see this is not a drive around as far as access goes around. The way those dumpsters are positioned right now a truck couldn't get to them. There is no way a truck could turn into that and get those dumpsters and back out of there. You are going to have to angle them or turn them 45 degrees or something so the truck can pull straight in to it but right now a truck couldn't get in to those.

Mr. Trochiano replied we will take a look at that.

Mr. Russo stated that is all I have at this point.

Ms. Escallier asked I was looking for the details on the proposed wooden stockade fence and I didn't find one and I didn't see any indication as to what type of trees these are and I assume that you are talking about white pines?

Mr. Trochiano replied they are giant green arborvitaes. The stockade fence I believe you are correct.

Mr. Danzeisen stated these past couple of months while driving back and forth while coming home from work it seems that people who work in your place seem to think that there are two entrances to your property. One of them immediately adjacent to the over flow area or dry pond that is there that you spring right off the main highway right up onto the grass and right into your parking lot and when they come back out they come back out onto the main highway the same way. So in order to prevent that I think we need a concrete barrier there.

Mr. Russo asked where is that exactly?

Mr. Danzeisen replied right south of the stacking lane and where the over flow is for the condominium complex, the drainage pond. They go right up in their property on the other end. The tracks were there all winter long and they got in front of me two nights in a row when I was coming home from work. It has to stop. You have one entrance and one exit, and that is it.

Mr. Trochiano asked you are talking about this area right here (pointing to the site plan).

Mr. Danzeisen replied yes, they swing off the highway right here. They park out on the grass and when they finish they come right out get back in the car and right down off the grass and on to the highway again and if you ever have an accident there, whoever you hit will own you.

Mr. Russo asked you may want to take a look at putting some sort of fence in there?

Mr. Danzeisen replied something that cannot be removed easily.

Mr. Russo responded and something that should be on your property and not the DOT's right-of-way. Because they are not going to let you do it.

Mr. Walker stated I don't think where he is driving a fence will help because they are parking on State property and then just walking across. So they would have to do something where they couldn't walk.

Mr. Danzeisen replied then we should notify the State.

Mr. Russo asked so they not even getting up into the property?

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Mr. Walker replied no they are staying right on the State property.

Mr. Danzeisen stated then we should notify the State that there is a problem.

Mr. Russo replied and notify the Police.

Mr. Walker stated they can't write ticket's on the State property.

Mr. Russo replied the Village Police why not, don't they right tickets on 17M.

Mr. Danzeisen responded yeah they do.

Mr. Walker replied you would have to talk to them about it. I think I mentioned it to them at one time and they said it was private property the State owned it and they couldn't do anything about it. I'm telling you what I was told.

Mr. Dowd stated being the DOT is reviewing this I think that should be brought to their attention, that there is an issue.

Mr. Russo asked do you want Don to write a letter to Kim Henken and letting them know that this is occurring.

Ms. Escallier stated the other situation that involves driving and parking is that now that you have a towing license you have large haulers and they can't get in because sometimes it is too crowded. So what they are doing is that they are actually blocking Lexington Hill Road. Right here they are parking (point to the site plan) and that is blocking the entrance and egress. This is a very active road, it is the access to a condominium complex that has 366 families and school buses that are going in and out of this entrance/exit and sometimes we have seen up to two cars parked there as well. Again, blocking entrance/egress and putting a dangerous situation.

Mr. Trochiano replied okay you said cars, but did you say a hauler?

Ms. Escallier responded a hauler in here (pointing to site plan) or two vehicles could be parked here (pointing to site plan).

Mr. Trochiano replied so maybe the solution to that, which I can think of, is that we can add a no parking sign.

Ms. Escallier stated that is an active driveway for the residents of Lexington Hill as well as an access for you.

Mr. Trochiano replied you are saying they are parking right here along the curb line?

Ms. Escallier responded on the road.

Mr. Walker replied I was there one day and a guy unhooked from a U-Haul trailer and pulled his truck down into the yard.

Ms. Escallier responded and I have undeveloped pictures showing that U-Haul trailer there.

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Mr. Trochiano asked and that is a no parking zone?

Ms. Escallier replied that is an active driveway.

Mr. Russo asked are the tow trucks doing it?

Ms. Escallier replied yes.

Mr. Russo asked John Sorrentino (property owner) why are your employees blocking up the road?

Mr. Sorrentino replied that is my tenant that is in there. I will speak to him about it. I think most of the parking situation is alleviated and at the proper look at it would go away also once we get the additional parking spots. I think at times you get so busy that some of the people that pull up there do park there temporarily.

Mr. Russo responded I think then a no parking sign should be added there at that section of the road.

Ms. Escallier replied okay. I'm sure the association will bring that up when there is a Public Hearing and mention whatever they have to say.

Mr. Trochiano stated I believe the County owns that strip of the road way so I don't know what I could do in there.

Mr. Dowd responded well if it is your tenant's employees who are doing it.

Mr. Sorrentino replied I am going to speak with them and try to alleviate that problem

Mr. Dowd asked are they your employees or your tenant's employees?

Mr. Sorrentino replied no, they are Mr. Freeman's employees. Even though the County owns that roadway can I put signs up there?

Mr. Russo responded I think if you approach the County they will allow the sign.

Mr. Trochiano stated I will add it to the plan if you guys want no parking signs there. I know Lexington Hills has an easement to get into that area but they don't own it.

Mr. Sorrentino replied someone has to get the okay to put these no parking signs there.

Mr. Russo responded ask Orange County Real Properties since they own it.

Mr. Dowd stated a letter from the Board to get the appropriate Agency and the County putting them on notice that the property they own, that the access is being blocked by private traffic which can cause accidents. That may be helpful.

Mr. Escallier responded the property manager of the site spoke with them about that.

Mr. Russo replied the property manager for Lexington?

Ms. Escallier responded yeah.

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Mr. Russo asked about putting up signs?

Mr. Escallier replied no about the problem.

Mr. Russo responded about the problem but we are trying to look for the agency.

Mr. Dowd stated they have a title for that access road then the County should be aware of that someone is parking on the access road and therefore potentially causing problem with Lexington Hill folks and that could lead to accidents. Maybe they can monitor their own access road and maybe they put the signs up and maybe they have the sheriff deputies or local police come in and ticket or tow them or whatever they have to do.

Ms. Escallier replied that is what's been happening.

Mr. Danzeisen asked do you need a recommendation to put up signs?

Mr. Dowd responded I think first we might have to bring it to their attention because they might not know it is happening on a recurring basis.

Ms. Escallier replied it is, more and more often.

Mr. Dowd stated that would be my suggestion to contact the appropriate County Agency – Real Property Management or Tax Services or someone within the County or it may be even DPW. I am not sure. Although I would think the DPW has to maintain it.

Mr. Russo responded Lexington Hill may maintain it.

Ms. Escallier replied Lexington Hill Office maintains it. The snow plowing is done through there. Nobody pays for it but we pay.

Mr. Dowd responded that needs to be addressed at the County level.

Mr. Sorrentino replied I will talk to the tenant and put a stop to it.

Mr. Dowd responded that would help.

Mr. Trochiano replied it seems like it is an issue because people don't have a place to park so they are parking on the road in front of the property.

Ms. Escallier responded no, it is more the hauler. The problem is that the hauler has no room, so how is he going to deliver it. That is the problem.

Mr. Sorrentino replied well he does have the road as long as the area in front of the shop isn't blocked. So what happens is he winds up spilling out into the road way at times. I am going to speak to him about it and I am hoping to get this process done sooner rather than later and address all of these issues.

Mr. Russo stated in regards to the slope stabilization project the last time I had made a comment on what you had proposed is not recommended for that slope size.

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Mr. Trochiano replied it is the same company, same manufacturer but a different product so we just applied a tough sheet of the new product. It is almost the same name it just a type 3. I think we had type 1 or 2. If you take a look at it I think it is the second paragraph on the data sheet. It says it is suitable for slopes up to 1:1. The detail looks the same as it's been – it is similar.

Mr. Dowd stated the last time we had a Public Hearing on this was back in October and November of 2012. With the plans being changed significantly, in the sense of drainage and other appearances.

Ms. Escallier responded and at that time they did not have a towing license, which is not impacting so we are going to have to do another one.

Mr. Dowd stated the question is if you might want to do one you might want to set it for March, so if you want to move it along you can move it along.

Mr. Danzeisen replied the next meeting is March 17th.

Mr. Russo asked how long will it take you to address the comments?

Mr. Trochiano replied not long at all.

Mr. Russo responded and they are going to need to get Orange County Sewer District and you need to get a letter from them to the Village stating that they are approving.

Mr. Dowd asked do you want to set it tentatively for the March meeting?

Mr. Sorrentino replied I would like to get back in for the March meeting regardless of the changes for your review.

Mr. Dowd responded provided we have a quorum. Get everything in for the next meeting so if we have a meeting you will be on the agenda.

Mr. Trochiano replied I would like to tentatively schedule it. Let's say that we came to the next meeting and they don't have a quorum they won't schedule a Public Hearing at that meeting, right?

Mr. Dowd responded if it doesn't fall under that meeting then it would be in April.

Mr. Danzeisen replied do you want to tentatively schedule?

Mr. Dowd responded unless there is some objection to doing that. They have a lot of revisions to do but at least we get the process going and it doesn't mean we have to close the Public Hearing if we have it. We will see what the comments are from the Public and go from there. If you want to tentatively set it up for the 17th and then if we don't have a quorum we will have to go into April no matter what because we won't have a meeting.

Motion was made by Irma Escallier to schedule Tri-Star Management for a Public Hearing on March 17, 2014 at 7:30pm. Seconded by Martin Stanise. All in favor.

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D'AMICO
ELITE ALL SPORTS
101-2-2 – CHANGE OF USE

Michael McBride – Realtor
Edgar Nieves – Potential tenant

Mr. McBride addressed the Board stating that the applicant would like to occupy 5,000 square feet in the main warehouse which is in the back of the building. Their attention is to build baseball cages indoors. It will be Baseball all around, an all season training facility, similar to a Frozen Ropes in Chester where they started, the same type of situation. So, basically it is whether the Board feels it is a permitted use and what we have to do. I have former site plans.

Mr. Dowd stated I had no idea what this was going to be because I had no paper work on this at all.

Mr. Nieves replied I have reached out to my engineer but he told me to come here and find out what you need from me.

Mr. Danzeisen responded we have to do a little research right now.

Mr. Dowd suggested if you consider it like an indoor amusement establishment such as a bowling alley or skating rink.

Mr. Danzeisen replied a skating rink is a sport and bowling alley.

Mr. Dowd responded a skating rink I'm sure has people training to skate so again I don't see if we use it as a special permit I don't think we stretch to much to say that's what is cover by this. It doesn't have to say baseball or training center but a skating rink is along the same line. Batting cages is for anyone not just training?

Mr. Nieves replied anyone can come and train and exercise, baseball/softball related. Core training.

Mr. Walker asked it will all be inside.

Mr. Nieves replied yes, sir.

Mr. Dowd stated I think it fits with the definition and that is my opinion. If you are not comfortable with it then the only other place you can go is to the Zoning Board for interpretation.

Mr. Danzeisen replied I am fine with that. Does anyone else have a problem with that?

All responded no, they are fine with it.

Mr. Russo stated so they will need to go for a special permitted use.

Mr. Dowd responded so for a special permitted use, you will need a site plan and a special permit, which means there needs to be a Public Hearing and you have to get a site plan.

Mr. Danzeisen stated and a Special Permit needs to get renewed, just so you know. Special Permitted Uses need to be renewed. I don't remember if it is annually or bi-annual.

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Mr. Dowd replied it is up to you – the Board.

Mr. Danzeisen responded we got limited on what we can do there with Special Permitted Uses.

Mr. Dowd replied some places have it that the permits get renewed annually or every two years and some don't.

Mr. Danzeisen stated after we receive the plans we will discuss it.

Mr. Dowd responded I think you need to know more about the operation and the plans.

Mr. Nieves replied only what you guys allow. I don't want to change anything outside.

Mr. Dowd stated you need to file a site plan application for special use permit; you need to get SEQRA forms in, site plan, some sort of description of exactly what you are going to have in this facility.

Mr. Russo responded how many employees you expect there at every given time.

Mr. Nieves replied two or three the most.

Mr. Dowd stated and how many people at one given time.

Mr. Nieves replied is that on an hourly basis.

Mr. Danzeisen stated parking calculations.

Mr. Russo replied at a given time that you have at that present location because that has to come in to play with all the parking that is on the site.

Mr. Dowd stated hours of operation will be helpful to the Board. Whether it is going to be Saturday and Sunday only, Monday through Friday, whatever it may be?

Mr. Russo asked are you changing anything on the exterior of the building? Are you putting signs up?

Mr. Nieves replied as of signage?

Mr. Russo responded there is a whole section in there as far as signs.

Mr. Walker asked what about that ramp, is that going to get filled in?

Mr. Nieves replied the loading dock?

Mr. Russo responded the loading dock.

Mr. McBride we didn't have plans to fill it in because another tenant someday may want to use it.

Mr. Nieves replied I can put a fence if it is okay with the Board.

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Mr. Russo suggested the other thing they could do is just fill it with earth right now, so if somebody needed it in the future. A fence somebody will climb it. This way nobody falls in it and if you need some parking you can put some temporary parking in there. They can dig that out in the future if need be.

Mr. Nieves asked how soon can I do this?

Mr. Danzeisen replied in order to make the March meeting that is scheduled you would have to have everything in by Monday the 3rd and you have a lot of work to do.

Mr. McBride asked for Monday the 3rd, is for the 17th is that correct?

Mr. Danzeisen Monday the 3rd is the cut off for the 17th meeting.

Ms. Leake responded otherwise the next meeting is April 21st and it is due April 7th.

Mr. McBride stated so I need a site plan with these 5 or 6 things: you want to possible fill in that ramp, hours of operation, and the parking requirements.

Mr. Russo replied there were previously approved site plans for the site so basically you need to get a hold of those and have them updated with whoever you use and there is a whole check list in the book as far as what is required on the site plan.

Mr. McBride responded okay.

SUPERIOR PACK GROUP

102-2-5.12

Richard Mahan – Attorney

Mr. Mahan addressed the Board by stating he spoke with Kevin regarding coming back to the Board basically to have a discussion to get some guidance from the Board. I wanted to tell you where we are and what our predicament is. We received conditional final approval subject to a maintenance agreement for a sand filter in the parking lot and after we received the approval in April of 2013. I worked on a maintenance agreement with Kevin and we got to a final format. The problem we have is that the landlord will not sign the agreement. The landlord is WHY Associates located in New Jersey and they have an attorney who also is located in New Jersey and we have gone back and forth, I personally, many, many times trying to get the landlord to simply sign a maintenance agreement for a little filter in the parking lot. I have literally threatened the landlord with litigation and still they will not sign the document. The landlord didn't take any part in this application. Superior Pack Group paid for all of the Engineering, the land surveying, all the legal fees and it comes down to this maintenance agreement, which the landlord for whatever reason fear or uncertainty will not sign. One of the things I mentioned to Kevin and for coming back here is Superior Pack Group has a long term lease hold interest which is a property interest that expires in 2021, after that they intend to buy the property. They have a lease with an option to purchase. I have provided a copy of the lease to Kevin and one of the things I was going to suggest is that when you have a long term lease interest it is almost like ownership. Here it is going to mature eventually into ownership. Superior Pack has so much invested in this property they intend to buy the property and so the maintenance agreement is complete and again I am getting guidance from the Board is that, if we simply had the lessee sign the document and the Village signs the document it could be recorded and that would be the end of the matter. Here we have an owner who is recalcitrant and we

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have a tenant who has a long term interest and there is no question the tenant after all the money invested in this property intends to buy the property.

Mr. Danzeisen asked Kevin, what is our liability in something like that?

Mr. Dowd replied I don't see there is a liability in account with the Planning Board at all.

Mr. Danzeisen responded or the municipality?

Mr. Dowd replied no. This is a condition of your approval. The question here is now they have a problem with the owner. So you would have to amend the language of your resolution to make the maintenance agreement strictly with the lessee.

Mr. Danzeisen asked what happens if the owner of the property doesn't permit the construction?

Mr. Russo responded is he refusing to allow the construction?

Mr. Mahan replied he's refusing to handle, period. It is a triple net as is lease and so when we first approached the landlord and said we have to get approvals because the property may not be approved. If you recall we came here because Mr. Walker had sent a stop work notice and it had to do with the compactor and the compactor issue was gone, it was taken care of and then we voluntarily consented to go through the site plan process because we wanted to be completely compliant we didn't want there to be any issues. So under the lease because it is as is we have to make it compliant and I have done some research on this and because we are a triple net lessee and because it is, as is whatever improvement we have to make the improvement to the property because we have a long term lease hold interest and this is a requirement of the municipality we have to do it and the owner doesn't have an option. It has to be done.

Mr. Danzeisen stated can we add one thing to this. Should this lease hold interest wane in 2021 and the owner decides that he doesn't want to buy the property he needs to be responsible for cleaning up the sand filter and returning the property to its original condition.

Mr. Mahan replied there is no problem with that.

Mr. Russo responded that means remove the new parking that was added in that created this whole thing, was the seven or eight tractor trailer spaces.

Mr. Mahan stated I think part of it was also to pave the area. There is a beneficial improvement there. You would think you would want to leave the improvement, but if the filter has to be removed we can remove it.

Mr. Danzeisen replied all I am trying to do is prevent the municipality, the Planning Board and everyone else for having a liability should everything go south.

Mr. Russo responded that is the reason the State requires these agreements. Especially with the property owner is if you are leasing the site and decide not to purchase it and walks away someone has to be responsible for the maintenance of that structure. Who better, than to tie it to the property owner or whoever owns it there on?

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Mr. Danzeisen stated I don't want to say I don't want to do it. I want to do it the safest way possible and not set a president that we can't walk away from.

Mr. Mahan replied sure.

Mr. Walker stated once you get the approvals they can finally come in for the permits that they need. I think some fence has been added in over there, hasn't it. That road down alongside the building has been fenced off.

Mr. Dowd responded the way the agreement has been written is that they could not abandon the storm water control measures without the consent of the Village.

Mr. Russo asked who is they?

Mr. Dowd replied it is written originally as the owner and tenant. This would be just the tenant.

Mr. Russo replied if the tenant leaves and the owner says, no you can't go back on my property.

Mr. Dowd responded I have issues if the tenant doesn't maintain it.

Mr. Mahan replied I know I understand what we are trying to do.

Mr. Danzeisen asked who is the attorney for the Board of Trustees?

Mr. Dowd replied Ben Ostrer's Firm.

Mr. Danzeisen suggested why don't you touch base with Ben.

Mr. Dowd asked Mr. McMahan, did Marissa every respond?

Mr. Mahan replied no, she didn't.

Mr. Danzeisen stated why don't the two of you guys touch base with Ben.

Mr. Dowd replied we had a three way conversation between Ben's Office, Marissa, myself and Rich as we were trying to refine if this was acceptable or not.

Mr. Danzeisen responded just as long as they are on board with this.

Mr. Dowd replied then the conversation ended and she never responded to me or to Rich. We will have to find out if that will be acceptable as Rich proposed.

Mr. Danzeisen responded I think we should get the Village Board involved. I have no problem with it.

Mr. Dowd stated I think Rich just wanted to give you an update because it has been a long time since you gave the conditional approval.

Mr. Danzeisen replied I am personally no against it. I don't know how the other Board Member's feel. I think your tenant has been very cooperative.

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Mr. Mahan stated one thing I'll say to, is the tenant and the people who basically run the organization as you know they live essentially either in Kiryas Joel or locally and they want to stay here permanently and so the likelihood of them buying the property is extremely high, but I understand you are trying to guard off any liability.

Mr. Danzeisen replied I just can't subject the Board to a blind liability. We have to cover all the bases.

Mr. Dowd stated you and I will try to contact Marissa or Ben or both and see if they will sign off on this arrangement and have the Village say to us that it is okay. Is that what you would like?

Mr. Danzeisen replied basically that is what I am asking for.

Mr. Mahan responded okay.

Mr. Danzeisen stated if it is okay with them then basically it is okay with the Board, if that is the way the Board Member's feel?

Mr. Stanise replied that is fine with me.

Mr. Dowd responded I don't think they have an alternative. They are tenants and they are working there and operating a business and if they don't get the approval technically they would have to be shut down and removed.

Mr. Danzeisen replied I think we have come too far down the road to do that.

Mr. Dowd responded I don't disagree with that, but I think it was good that he came here to let you know what was happening.

Mr. Danzeisen replied I agree. Thank you.

Ms. Escallier responded we thank you for that.

Mr. Dowd stated I will follow up with that.

Mr. Mahan stated I will be in touch with you.

MONROE JOINT FIRE DISTRICT - COORDINATED REVIEW DISCUSSION

Mr. Dowd asked is there anyone here from the Fire District?

Mr. Danzeisen replied no. They said in the letter that if we did not reply by the 28th they would assume we are on Board with it.

Mr. Dowd responded as far as them being Lead Agency.

Mr. Danzeisen replied I have no problem with them being Lead Agency for the sale but the property itself is involved in Harriman and if they are going to build on it, the Lead Agency status stops after the sale.

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Mr. Dowd stated technically they are going to buy this for the purpose of putting a new fire house on this property. The SEQRA is supposed to be the entire project not just the purpose of the land but also the development of the lot. You are not supposed to segment it into two different segments. I think what is happening here, is first they used the old EAF form but by deliberately dating it October 2013, which they really should not be doing. They surely are not using the proper form and secondly there is certainly an issue and I would like to talk to Frank Simeone the attorney for the Fire District when it comes actually time for the construction of the Fire House itself on the lot, whether or not this Board has any jurisdiction. There are two trains of thought in that and if the law is a bounty of interest here, one of them is that we have nothing to say about it. The Fire District is its own entity and it does its own review and it has a right to build a fire house wherever it deems is appropriate.

Mr. Danzeisen responded but it also has the right to follow local codes.

Mr. Dowd stated it has to follow all the rules it is supposed to follow and the second train of thought is that while they may not have an actual approval process that normally districts would come in as a courtesy to the Planning Board showing you the site plans and ask for your input because sometimes as planners you have a different eye towards where problems can potentially arise that they may not be seeing.

Mr. Russo responded they may even ask for your approval.

Mr. Dowd stated and some would ask for your approval. I had it both ways in my experience. It's clear from the letter that they have no intentions on coming here.

Mr. Russo responded a lot of them push for that way.

Mr. Dowd suggested we prepare a letter in which, if it is okay with the Board, to say to them that we have no problem with them being Lead Agency under seeker but you as the Planning Board would like to see a site plan before you with nothing else but a courtesy to you so you can make some comments on the plan because right now you have nothing to comment on.

Mr. Danzeisen asked can you respond to that?

Mr. Dowd replied I certainly will and I will prepare it for your signature, how is that Mr. Chairman?

Mr. Danzeisen responded that is fine. Jane, you can sign it on my behalf. You might want to mention that they are using the wrong EAF form.

Mr. Dowd replied I will do that.

Mr. Russo stated and the possibility of segmentation because they are noting that they are looking to build a fire house so they can't just say the SEQRA is just for purchasing and later on do another one.

Mr. Danzeisen replied okay. Thank you. Do we have any housekeeping?

There being no further business, **MOTION** was made by Irma Escallier to adjourn the Regular Planning Board meeting at 8:17pm. Seconded by Martin Stanise. All in favor.

Respectfully Submitted:


Jane Leake, Recording Secretary