

VILLAGE OF HARRIMAN PLANNING BOARD MEETING

Regular Meeting

April 21, 2014

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Chairman Don Danzeisen opened the Village of Harriman Planning Board Regular Meeting of April 21, 2014 at 7:32p.m.

ROLL CALL:

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

Absent: Frank Borowski and Juan Quinones

APPROVAL OF MINUTES:

Mr. Danzeisen stated the December 16, 2013 Regular Meeting, February 24, 2014 Regular Meeting and March 17, 2014 Public Hearing & Regular Meeting minutes will be tabled.

**VILLAGE VIEW ESTATES – SITE PLAN UPDATE
101-1-1.4**

Present Mr. Sweeney, Attorney and Dave Zigler, Atzl, Nasher & Zigler, P.C

Mr. Sweeney addressed the Board stating that the last time we were here I had suggested that we setup a workshop session to discuss the new design now that we have been able to get the curb-cut permit from the Town of Monroe and in the mean time you folks have retain the services of a traffic expert John Sarna who is very qualified. He rendered some advisories and comments dated April 17th and we looked them over and none of them appear to be difficult for us to do and maybe some of them are helpful. John has suggested that we reevaluate North Main and Route 17 and also the Quikchek intersection in Monroe. That might be good because as this thing evolves and we get to the Town of Monroe issue in terms of a new Public Hearing in which you are going to have and peoples questions, that might be very good. So our thought was, rather than look for a workshop session at this point that we would address these things. We would put our person together and address these things and come back to you with some responses and indications and I don't think it will take more than a month, maybe but maybe not, and then we will ask you if we can put together a work shop and discuss where we may go. Does that sound like a good plan?

All Board Members agreed.

Mr. Russo stated that sounds like a good plan, but Dave you might want to inform the Board of the wet lands.

Mr. Zigler stated tomorrow the Army Corp. is actually going to walk through flag wetlands. We do need some nationwide permits. One for grading on the outside and one for utility through it, so that will carry through after they walk it tomorrow.

Mr. Dowd asked is this a re-delineate?

Mr. Zigler replied yes.

Mr. Russo stated the other one expired.

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SAINT ANASTASIA – SITE PLAN UPDATE
102-4-7.2

Anthony Meluso, Engineer and Jim Buyea, applicant for church

Mr. Meluso stated to the Board I have received the Town Engineers comments this afternoon and have worked on making the required changes to the plan. Most of his comments were directed to sheet C102 and that was cleaned up and what we intend to do is leave one copy with John and provide as many other copies that are necessary. The last time we met John had made some comments and I had taken steps to rectify some inconsistencies in the traffic flow. John made a comment that we should make all the lanes 24 feet wide and we have done that at the parallel of about 18 parking spaces that we removed. And that does create a much better traffic flow pattern, more site distance, everything is better and places to actually install the signs now exist. One item of business that is new that we have included in the plan is to show a 7x14 addition to the existing church building for office space, for a sacristy. It is no closer to the road than any other proximity of the church so it shouldn't need a variance.

Mr. Russo commented that some of the other comments I had which he cleaned up were before there were lines missing in here (pointed to the site plan) so I didn't know what ended and what started. That line is just going to be removed (pointing to the site plan) from the site plans. They added the additional notes that I have asked for to clarify certain things being removed.

Mr. Meluso stated what we did was we arranged the traffic (pointing to site plan) so you will come in this way. You won't have a head to head like you had before up here and then we have a dedicated exit lane. Everyone who comes in recirculates out and it lines up with the exit and there is additional signage.

Mr. Russo commented you should have a lot better traffic flow through the entire parking lot now.

Mr. Meluso replied these are the ghosts of all the parking spots we removed (pointing to site plan), as you can see there are quite a few of them.

Mr. Danzeisen asked what about the spot that was here for the generator?

Mr. Buyea replied that is still there.

Mr. Danzeisen responded that should appear on the front.

Mr. Meluso stated it is underneath. It is actually an air-conditioner not a generator. So with your blessing and consideration we would like to ask for your conditional final approval that we make one or two drafting changes per John's direction and we put this to bed.

Mr. Dowd asked Mr. Chairman, is this 7x14 addition, is that actually built or is proposed?

Mr. Danzeisen replied no, it is proposed.

Mr. Dowd remarked that your site plan application and EAF needs to be modified and amended to reflect what we are doing here. I have no problem expediting this but you have to have the SEQRA match and be consistent throughout the process. The old short form you used back in January, 2014 is the wrong form. You need to get this paper work straightened out.

Mr. Meluso replied so the original application landed in the office in August and we had the EAF and one

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of John's comments on the EAF was that the number of acres for the church and the parking area, even though it appeared on the map, he wanted it on the EAF.

Mr. Dowd responded but now you are amending it again by adding the addition and the addition doesn't appear anywhere on the application or on the EAF and with this application you are going to have to file the new EAF form.

Mr. Meluso asked should we withdraw the addition?

Mr. Dowd replied I didn't say you have to do that.

Mr. Meluso stated the Cemetery wanted to do something and we said we can't include anymore on the application.

Mr. Dowd replied and now you put a 7x14 addition.

Mr. Russo stated the application just speaks of the parking lot overlay and paving marking it doesn't speak of the addition.

Mr. Meluso asked how would you like us to precede Mr. Chairman?

Mr. Danzeisen replied I think you should fill out the new form EAF and if you are going to make any changes to the cemetery let's do it when you submit it and include it in the EAF. So the next time you come back it is finished.

Mr. Russo asked are you making any other changes on the site?

Mr. Meluso replied they had wanted to pave the turn-around loop at the end of each spot.

Mr. Russo responded we had discussed that a while ago and that seemed to go by the way side because of concerns with the drainage.

Mr. Meluso stated that will be a separate application in the future, if it happens.

Mr. Russo asked so right now nothing else is being proposed on the site beside the overlay and the 7x14 addition?

Mr. Walker asked John does it show the turn-around?

Mr. Meluso replied we left it off.

Mr. Russo responded they left it off. They haven't shown that in a long time. That came up once and then disappeared.

Mr. Walker stated it is still there.

Mr. Russo asked they constructed it?

Mr. Walker replied yeah.

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Mr. Dowd stated I don't have a problem with you putting a 7x14 addition in there, but if it is on the map it has to be in the EAF and application.

Mr. Danzeisen replied all the paper work for all applicants has to be in theirs and so does yours.

Ms. Escallier asked does this plan have to say revised?

Mr. Dowd replied they revised it without revising the application and the EAF.

Mr. Meluso responded we just need to bring the application and EAF in-sink with the plans.

Mr. Danzeisen replied exactly. Get yourself on the agenda for the next meeting.

Mr. Dowd stated if John is satisfied with the condition of the plans, a conditional final with one of the conditions being that they must resubmit an application that shows the addition and a new EAF that shows the addition. You can probably do it that way.

Mr. Danzeisen asked are you okay with that?

Mr. Dowd stated as long as the paperwork catches up so when the plan is signed by you Mr. Chairman everything is appropriate. I don't have a problem with that.

Mr. Danzeisen replied if we give you conditional approval I want to see that paperwork in here next month.

Mr. Meluso responded I will work on it tomorrow.

Mr. Danzeisen asked can I have a motion for a conditional approval for St. Anastasia conditional final of an updated EAF and a 7x14 addition.

Motion made by Member Escallier for the conditional approval and seconded by Martin Stanise. All in favor.

Mr. Dowd stated I will prepare a resolution.

NILES KASPARSONS – CHANGE OF USE

101-2-2

Present Michael McBride, Rand Commercial & Niles Kasparson of Exclusive Wood-work.

Mr. Dowd stated Mr. Chairman last month we had a gentlemen (Mr. Nieves) in here for the front of the building who is withdrawing his application.

Mr. McBride responded this is actually in a different location in the building. Mr. Nieves was going in the front of the lower building and this is in the rear of the lower building. The building itself is 10,000 square feet split equally into two 5,000 square foot units. Niles is opposing to occupy the rear of that lower building. He has a woodworking business. The business would require a painting and down draft facility. In my understanding there was a business on the site for twenty years, RAL, which did do painting on site.

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Mr. Russo asked do you want to show us where on the site?

Mr. McBride replied he will be in this back space here (pointing to an old map Mr. Russo has).

Mr. Russo responded Unit A.

Mr. McBride stated it is all one site but in this building there was a very similar woodworking and painting facility, RAL, for over twenty years.

Mr. Dowd asked how long has the area been vacant for?

Mr. McBride responded the tenant that is in the lower portion is vacating the end of this month.

Mr. Dowd asked what is the present tenant using it for?

Mr. McBride responded he is a distribution of CD's and educational.

Mr. Dowd asked so nothing to do with woodworking?

Mr. McBride responded no, the woodworking was on the site but in a different building.

Mr. Dowd stated how long has that not been there. Whether it has been discontinued or not, if it was previously non-conforming and they discontinued it then it is no longer allowed to go forward.

Mr. McBride asked so was it non-conforming and not grandfathered in?

Mr. Dowd replied I would have to look into that because all we had was a letter, not saying what the use was for.

Mr. Danzeisen stated the members here don't have any drawings either.

Mr. Russo responded this is the previous one (referring to old site plan), so he will have to get an up dated site plan. This previous one was submitted by KC Engineering. Is it a personal service or manufacturing?

Mr. Walker replied he is building kitchens for people, is that correct?

Mr. Kasparson responded yes, designing and building high end interiors. It is not manufacturing products, so it is not the fast pace. It is a lightweight manufacturing.

Mr. Russo replied I don't believe it falls under personal services establishment. They define that as barber shop, beauty parlor, appliance repair.

Mr. Walker stated that is a B-2. The cabinet shop down here is also a B-2 and I don't know how long that has been there.

Mr. Russo replied B-1 doesn't fit. Light processing manufacturing machine shops subject to the following standards.

Mr. Dowd responded so it is the B-2 special permits.

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Mr. Russo stated the standards are all uses are to be subject to section 140-17 building area shall not exceed 10,000 square feet. You are only using the back portion so it is 5,000.

Mr. Kasparson replied it is actually, just below 5,000.

Mr. Russo stated building height shall not exceed 20 feet. Out-door storage of materials is specifically prohibited.

Mr. Kasparson replied outdoors we don't need outdoors.

Mr. Russo asked you are not going to have lumber delivered or anything sitting outside?

Mr. Kasparson replied the lumber is very crucial so it will go right inside.

Mr. Russo asked nothing is going to be outside?

Mr. Kasparson replied no.

Mr. Russo stated landscaping shall be provided to buffer this use from adjacent business and residential uses. Behind him he has the Ramapo. It says all businesses and residential so it is not defining a specific zone.

Mr. Dowd asked how much noise will you be generating?

Mr. Danzeisen responded the worse thing he is going to be running is a lineman and a trimmer and or a router.

Mr. Kasparson replied I am using table saws, shapers, routers, but when the doors are closed to the shop you really can't hear. If you consider a machine shop that is on 17M, the changing of tires and things, those things are louder because they are wide open.

Mr. McBride responded the building is insulated also.

Mr. Danzeisen asked is it air conditioned?

Mr. McBride replied the offices inside the unit are air conditioned but the warehouse is not.

Mr. Danzeisen stated the building where he is going to be doing his actual work is not air-conditioned; therefore in the summer time you are going to want to open the doors for ventilation. Then noise is going to be coming out.

Mr. Kasparson replied there is a river behind us and then there is a vacant lot on the other side.

Mr. Dowd asked what about the saw-dust and things like that?

Mr. Kasparson replied it is all contained. I have a dust collector at every machine.

Mr. Dowd responded I don't want anything that can possibly explode.

Mr. Kasparson replied it is all dust collected. I can-not work in messy conditions. It is all clean conditions.

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Mr. McBride stated if you look at the pictures it is very high end. The environment is very clean.

Mr. Russo responded we are still worried about the neighboring properties. As the Chairman said, you open the doors that noise is traveling.

Mr. Kasparson stated we actually prefer not to open the doors in the summer because we get the humidity in. We actually have the doors closed in the summer because the wood is sensitive and the material is sensitive and we have to work with 8-10% humidity with all materials.

Mr. Walker asked is your shop now air-conditioned?

Mr. Kasparson replied no, it is not air-conditioned and in fact for the finishing product we can't open the doors because the humidity is too high. If the building is insulated we prefer not to open it. In fact, I probably would consider a humidifier or some sort of unit myself. Because this is a metal building right now it is a cinder block building and a cinder block building is more permanent for humidity control. So I might consider humidity control anyway. In fact if the material contains some humidity and I deliver the product to the house and it gets conditions it is not good for it.

Mr. Dowd asked how many employees do you have?

Mr. Kasparson replied right now it is two employees, my wife and I. It will never be a 10+ employee business. It is impossible. It is always going to be maximum 4 – 5 people.

Mr. Dowd asked do your customers come to you or do you go to them?

Mr. Kasparson replied they don't come.

Mr. Dowd asked you manufacturer, construct and then?

Mr. Kasparson replied I design, build, finish and install.

Mr. Russo stated so you meet them at their location.

Mr. Kasparson replied absolutely. In eighteen years of where I am now I had clients come three times. It is actually a friendly thing to invite customers rather than them coming and hanging around.

Mr. McBride stated there is no retail.

Mr. Kasparson replied there is no retail. There really are no visitors.

Mr. Dowd stated it appears to fall within a special permitted use, which means you will have to go through a Public Hearing process and a site plan review. So the good news it is allowed by special permit. The bad news is that you have to file and you have to go through the Public Hearing process by State Law. Prepare a site plan, application and SEQRA form. What type of hours do you have? Do you work Monday – Saturday?

Mr. Kasparson replied I work as it goes.

Mr. Dowd asked so you might work on a Sunday?

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Mr. Kasparson replied I prefer not to work on Sundays. The two guys I have they come in from 8 – 5pm. I can be there 6am in the morning and leave at 7pm.

Mr. Dowd asked do you ever work to 12 at night?

Mr. Kasparson replied no, I would not do that anymore. I have done that. I'm passed that.

Mr. Walker commented that place is down in a hole.

Mr. Russo responded at night when everything is quiet, noise reverberates worse.

Mr. Kasparson stated the reason it attracted me was because of the fact that there is nobody in the back, there is nobody on the left side, and there is nobody in the back. I live in Monroe and I am in Pine Island right now and I lose 2 hours a day if I have to go to the city and back and to home. This is perfect and it has been always a challenge to find something in this area for these particular reasons we are talking about and this building really grabbed our attention due to the fact that it is not in the way of anybody.

Mr. Dowd stated based upon what we are looking at it would appear to me that you file and application with the required SEQRA forms and what the Engineer requires of you to do for the site plan. We will get you back here next month and set a Public Hearing and in June you might be able to get an approval in June depending or July the latest, unless there are issues that we are not aware of. Do you use and kind of hazardous chemicals or dispose of them in any way?

Mr. Kasparson replied they are not disposed of in any way but I am working with lacquer currently and we are switching to water board materials because the industry is switching. But it is all contained. If you think about machine shops we are less contaminate. Nothing is going out of the building. I am going to Orange County facility to actually deposit the off uses of the chemicals.

Mr. Dowd stated we don't want them stored outside nor near the Ramapo by accident or otherwise, that is why I am asking.

Mr. Kasparson replied there not stored outside.

Mr. McBride responded it is a contained paint booth.

Mr. Danzeisen stated you just have to do your application as Kevin stated with the SEQRA forms and site plan application.

Mr. Kasparson asked what changes are you looking for on the site plan?

Mr. Russo commented your site plan is going to look like this (referring to the old plan); this was the last one they done for the site. Basically you are going to have to look at the entire site, uses, you are going to have to do an updated parking analysis, define what each of the building uses have within them and any improvements that you may be making.

Mr. Kasparson asked we are addressing this corner right here (pointing to the map)?

Mr. Russo replied that is your impact, but you have to address the entire site. So basically if you go through all this and find out that you need 40 spaces and you can only fit 20 spaces then there is an issue. Right now they are showing 21 spaces were provided on the site. If all of a sudden you come in here and use this space and you do your parking calculation and it shows you need 25 spaces for the entire site,

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you are now short 4 spaces. Then you would either have to go for a variance or you are going to have to be able to show additional parking.

Mr. Kasparson responded as it is right now, what does it state? I'm just trying to understand.

Mr. Russo stated Building 1, Unit A says office, 2 employees 600 square feet times 1 space. Basically, for that area they provided 5.33 spaces that are designated to that area. Unit in front has roughly 5 spaces to that also, just a little bit more. For these units up here (pointing to map) they go through the number of parking spaces there. Basically, there are 21 spaces shown on the site plan right now.

Mr. Kasparson asked so these are basically allocated for this part of the building (pointing to map)?

Mr. Russo replied they never allocated the specifics with the parking.

Mr. McBride stated there is supposed to be another tenant that will be going into the front so maybe they can pool together for the site plan.

Mr. Dowd responded they will also have to file an application and let us know what the use is.

Mr. Russo stated if you do it at the same time you can split the cost of the site plan.

TRI-STAR MANAGEMENT -- SITE PLAN REVISIONS

102-4-1-1.221

Mr. Trochiano, Engineer, Pietzak & Pfau

Mr. Danzeisen asked Kevin in view of Tri-Star's blatantly failure to comply with anything we have asked them to do legally, do we have any standing to not hear them until they come in compliance.

Mr. Dowd replied I suggest you not do that at all. Your job is to process the application expeditiously as possible and the Building Inspector and the Village Board has whatever responsibilities they have to enforce the existing code provisions. If there is an enforcement proceeding while we are doing this simultaneous, they can run concurrently.

Mr. Trochiano addressed the Board stating at the last Board Meeting of March 17th of this year, in which we had a Public Hearing, the Public Hearing was closed that day and at the Regular Meeting we received additional comments from John. We have revised the site plan according to his comments and resubmitted for this meeting today and I have received John's additional comments today before the meeting in which I have here and I am here to request consideration for a conditional site plan approval.

Ms. Escallier asked if you are going to improve the parking that is going to cause construction. Already there is extra wear and tear on that road going from 17M into that facility. That road is already deteriorating. So let's assume the construction follows and the road gets worst. Will the tenant be responsible for the repair or will the owner be responsible for the fix? Because if that should happen, which is very likely to happen, we don't want people pointing the other way saying the other person is responsible. And that should be an added note on the site plan.

Mr. Trochiano replied whoever the owner is of the property they are responsible for the maintenance of that road.

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Mr. Dowd responded ultimately yes.

Discussion broke out.

Mr. Dowd replied maybe I miss understood.

Ms. Escallier stated from the street (17M) into that facility.

Mr. Dowd replied which is the Lexington Hills Road.

Ms. Escallier responded yes. The road is already deteriorating and you are going to have construction and you are going to have heavier trucks on here, so the likelihood of that happening is very large. So my question is who is going to be responsible without having the owner here we don't really have the right answer. Are we going to have them pointing the other way when this happens and we need to have that settled and placed on the site plan as a note?

Mr. Dowd stated there is a letter here from Pat Kennedy that John has.

Mr. Russo stated to the applicants Engineer I have contacted John McCarey, Real Property Tax Services, who indicated that he has no concern or objections to the proposed driveway upgrades at Lexington Hills Road that is on a parcel land owned for back taxes by the County of Orange known as tax map. Mr. McCarey also said that he had offered the tax parcel to the previous owner of your subject property with no response. Mr. McCarey asked me to inform you that the offer is still open for your present client and asked if you would let them know. Maybe you as Lexington Hills, since it really services you, may want to pursue this with the County about acquiring.

Mr. Walker commented I think they were asked at one time.

Mr. Russo asked Lexington Hills didn't want to take that?

Ms. Escallier responded no they weren't interested.

Mr. Russo stated in taking the road.

Ms. Escallier replied no.

Mr. Russo continued it is still opened on the table. If you have any interest, contact the County. So basically what they are showing on the plan now is removal of that grass area or the paved area. They are not showing any improvements there. I understand you are concerned with wear and tear with traffic in and out of there. So the question is who is going to be responsible for the maintenance of that especially if you damage it during construction.

Mr. Dowd commented well basically Lexington Hills the Condominiums, I would say the County is responsible for it, as far as Lexington Hills is concerned.

Ms. Escallier asked on Lexington Hills Road?

Mr. Dowd & Mr. Russo replied yes.

Mr. Dowd stated the County owns it.

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Mr. Trochiano commented that is why they offered it to us because they don't want the responsibility.

Mr. Walker stated where the damage is, is the State Highway.

Mr. Trochiano responded yeah some of it is the State's responsibility.

Mr. Russo replied it may not be the State's although it is in the State's right-a-way. It is not their road. So it is the same thing as a Village Road heading to a State Road. The State is going to take care of the State Road but that is the Village's road, you as the Village get authorization to tie in. It is your responsibility to maintain your road.

Ms. Escallier responded we had almost the same situation with Concord Park on the other side. Where Concord Park made an agreement that after the construction was over to repave everything.

Mr. Russo stated that is because they also had utilities going up and down through there so they were already tearing the road apart, so that is how we were able to do that. So the question is who, it would be the County, would legally be responsible?

Mr. Dowd responded the County would go after the applicant for damaging its road.

Ms. Escallier replied okay, I am satisfied with that.

Mr. Dowd stated the people living in the condos would go to the County because the County is the owner of the road.

Ms. Escallier responded as long as there is somebody responsible.

Mr. Russo commented we can have the applicant add a note to the plan that any damage they do to that road during construction is their responsibility to repair/restore.

Mr. Danzeisen stated that is a good idea.

Mr. Russo commented you have that there. The rest of it is falling apart; I think you will have to speak to the County.

Mr. Trochiano stated the only thing I am concerned about with that is how you know who did what.

Mr. Russo replied you take preconstruction photographs.

Mr. Trochiano responded okay.

Mr. Russo stated you go out there before they begin work and take preconstruction photographs. You will be able to tell really from the traffic.

Mr. Danzeisen commented keep a copy of the photographs so you have them for record of submission for final approval.

Mr. Trochiano replied they will probably have to take photos every day.

Mr. Russo stated I'm concerned with doing those photograph's like that, even though you approve it, what if he doesn't start construction for six months.

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Mr. Dowd replied and further damage is done.

Mr. Russo commented yeah in the interim. I believe a note should be added in regards to that.

Mr. Trochiano responded I will talk to the client. I probably won't draft that note. I'll probably have someone else do that, but we will figure out something.

Mr. Russo stated they also submitted to Orange County Sewer Department and also to DOT on April 21, 2014.

Mr. Trochiano replied this morning.

Mr. Russo asked and you have not heard anything back as of yet?

Mr. Trochiano replied no, we just sent it in this morning.

Mr. Russo responded usually Kim will respond pretty quickly.

Mr. Trochiano replied I'm sure within a week we will hear back from one of those guys, they are really quick.

Mr. Russo stated as far as the plans go, they made a lot of the revisions that we previously requested with regard to Storm-water run-off they actually have done organic filter swales. So they are now infiltrating the water the best that they can and also using those swales for quality to pretreat the water. At the bottom of those swales is under drains in accordance with DEC requirements. So more or less you are treating that water but ultimately you are conveying it all somewhere else. We have a number of comments with regards to utility crossings where they are abandoning the, I don't know what you have in the back there, septic tanks in the back there and installing a new sewer lateral, that is why they are going to Orange County Sewer District #1 to get approval for that. They also will be traveling in the State Right-A-Way, therefore they will need approval from DOT for that construction of that. We also noted that they are going to be crossing over the paver/grass Crete area that was installed. Art Price installed as a maintenance lane to a storm water facility. So you are going to have to show that on the plan and I have photos of that.

Mr. Trochiano asked did they have anything like a cross section on the other plans for that or they just kind of put that in.

Mr. Russo replied no, I think they did.

Mr. Trochiano asked maybe you can provide that to me.

Mr. Russo replied I don't know if I even have the plans any more.

Mr. Trochiano stated just so I know what they have in there so I can show it accurately.

Mr. Russo replied you are going to wind up digging right through it so you are going to have to restore that. Then during construction, I know you have that bank up there, but you are going to have to do something at the top of the bank in the back to control the run off of storm water while that is being worked on and while you are trying to vegetate that otherwise you are going to lose everything to the bottom.

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Ms. Escallier asked so what was the decision? I know that he had a lot of thoughts given to them from the last meeting about that particular first area where there is parking that shouldn't happen and they talked about bolsters.

Mr. Russo replied we talked about bollards along the edge of the parking stall or a fence. What they are doing is removing the pavement in there and it is going to be all seeded but they are not showing any bollards or chain link fence or anything.

Mr. Danzeisen asked no curb?

Mr. Russo replied no curb. Which I think we should still push for the curb because the way the County reads they would be opened to anything basically and I think that is going to do more than any bollards because as I said before, if you are putting the bollards on the inside of his property along the side line I could still park on the other side of those bollards. Nothing is stopping me from parking, so by just putting bollards in doesn't stop me unless you put them right along the paved edge and follow the curb around.

Ms. Escallier responded especially if they are doing what they have been doing in the summer, which is coming right up the grass from 17M.

Mr. Russo commented they did it today, as Anthony said you can see the tire marks on google map.

Ms. Escallier asked did you talk about it to them?

Mr. Trochiano replied I did. The first question I have, are you requesting curbing throughout?

Mr. Russo replied no I think we are requesting it along the entrance there.

Mr. Trochiano responded the applicant is not willing to do that. The problem with this application and the reason why we are still here today is the last application and the cost of the project got out of hand and that is why we essentially redesigned the entire project. The owner is just trying to remedy the situation. The tenants have a parking problem and there are violations all over the place. He is doubling in the amount of parking spaces and he is trying to keep the costs as reasonable as possible and as an Engineer that is what I do. If I put curbing at the entrance that doesn't stop them from parking anywhere else on the edge of the pavement, the solution would be curbing throughout, but that's a full redesign.

Mr. Russo stated I don't think it is a full redesign. I just think that we are just talking along the curbs of the entrance itself to delineate that entrance to prevent them from jumping a 6" curb, which they can still do.

Mr. Trochiano replied it is a solution.

Mr. Russo stated but the problem is it is an issue and they are not addressing it.

Mr. Danzeisen commented before you got involved with this they made major changes to the structure of the building without applying for a building permit, construction permit or anything. They took out doors and windows. They put garage doors in the back.

Mr. Trochiano asked they put up garage doors in the back?

Mr. Danzeisen replied yeah. They weren't there when the other place had it.

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Ms. Escallier stated it was just a hill.

Mr. Trochiano asked there is none there today though, did they take them out?

Mr. Danzeisen replied they might have or boarded them over.

Mr. Trochiano responded they must have.

Mr. Dowd stated the owner ultimately has control or should have control over his tenant with the lease. If the Village is going to be forced to continually bring either the tenant or owner or both into court because they are violating all the site plans we have on record now, even before this one is approved or if they are going to continue to violate this after you approve this.

Ms. Escallier asked what expectations do we have?

Mr. Russo asked what are the costs of the fines and the attorney fees verses sticking to the requirements.

Mr. Danzeisen replied obviously, not enough.

Mr. Trochiano responded I had the conversation once, I could have it again.

Mr. Dowd stated without referring to what the lease says I would assume that the landlord has the right to toss the tenant out. He may not want to do that, but at some point in time it comes to that verses attorney cost. I'm assuming the owner is paying for this, or the tenant?

Mr. Trochiano replied the owner is paying for this application.

Mr. Dowd commented they are spending \$1,000's of dollars for this revised process.

Mr. Trochiano responded the first application he was not paying for.

Mr. Dowd stated if we give them approval his tenant may still disobey the approval site plan.

Ms. Escallier replied so then we are back to square one.

Ms. Russo commented at that point we have a better leg to stand on with Ron violating them and then we are back in court, yes, but they are in violation of the site plan.

Ms. Escallier replied it almost doesn't make sense because if the size of the business is so that the site itself doesn't have enough space for the business. So in doubling the parking space I'm averaging about 35 cars there sometimes, a day, not counting the ones that should be in the bays, which is 3 more. So where are you going to park these extra cars?

Mr. Trochiano replied we are proposing 34 spaces.

Ms. Escallier responded I know but you are very close to that.

Mr. Trochiano replied we maximized as much as we can. I know this is an ongoing problem, but as an Engineer this is the best solution I personally have.

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Mr. Russo stated that is where it comes into violations. This is what the site lends itself and if they go beyond that.

Ms. Escallier commented thank god they are at least doubling the amount of parking because it is going to be an improvement to what there is now. We are not saying it is going to work because we don't know if it is going to work.

Mr. Dowd stated ultimately the Village has the right to shut them down.

Mr. Danzeisen asked so where do we stand? What else has to be done on this list?

Mr. Russo responded they have clean-up work that they have to do on the plans. They still need approval from NYS DOT and from Orange County Sewer District #1.

Ms. Escallier asked so what are we doing with that little piece in the corner? Are they going to strip it?

Mr. Trochiano replied as of right now we are proposing on the plan the update is getting removed an entrance is going to be formed and it is going to be grass. Now if they park off of that pavement they are going to be in grass. Right now it is paved so it looks like part of the parking lot area.

Mr. Russo asked so you are removing the pavement and putting in grass vegetation.

Mr. Trochiano replied so they would literally have to park off of the pavement and I understand that they have done that in the past.

Ms. Escallier responded every day.

Mr. Russo stated the Board asked of them to provide curbing.

Mr. Walker asked they don't want to come to the meeting?

Mr. Trochiano replied had I know this I would have pushed for them to come.

Mr. Walker stated it has been a problem since day one.

Mr. Dowd asked John, so in your professional opinion this is not ready for a conditional final?

Mr. Russo stated I do not believe it is. You are still waiting on two agencies.

Mr. Dowd responded you have 62 days to grant or deny the application.

Mr. Trochiano asked will be good for the next meeting date for the threshold.

Mr. Dowd replied you will be pretty close. I think if you could get the tenant in here that is what they would like.

Mr. Trochiano stated I should be able to get comments back from the State and the Sewer District. I'll have a conversation with them and they should come to the next meeting.

Mr. Russo replied not one of his employees.

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Mr. Danzeisen asked if he doesn't get comments back from the State/County or whatever he needs and the time limit runs out or is going to run out?

Mr. Dowd replied either they have to consent to the extension or you then have to make a decision. Usually many times DOT permits are part of the conditions, but if the other stuff is not taken care of you can say no. I don't think it is going to be Mr. Trochiano's fault it is going to be another factor that comes in to place.

Mr. Danzeisen asked I just want to know where we stand?

Mr. Dowd stated that will be your drop dead date unless they consent to an extension. Again, obviously they don't have to consent to the district to connect to the sewer or DOT to do whatever they have to do in the right a-way you can say no. I don't think they want to see that happen.

Mr. Russo commented you are going to push them. You are going to call Kim.

Mr. Danzeisen stated the next meeting is May 19th, everything has to be completed by then and they need to be here. Are you all in agreement?

Ms. Escallier & Mr. Stanise replied yes.

All in favor.

Ms. Escallier stated the best thing I want to see is orderly parking in there. I'm all for it.

PROPOSED LOCAL LAW – DISCUSSION

Discussion

Mr. Dowd stated I was talking to John about it briefly this afternoon. Does the Village have a comprehensive plan or master plan? Because I have never seen one so I don't know if they do or not.

Ms. Escallier commented we are supposed to be able to look it up on line.

Mr. Dowd stated any changes you make to the Zoning they have to be consistent with the comprehensive plan. So if there is a comprehensive plan does this require an amendment to the comprehensive plan before you put in an act in the Zoning change? That is the first question I have because I am constantly doing that in my other communities. They clearly want to add hotels and motels and they have two definitions here one of a hotel and one of a motel. The motel one says building/buildings which contain a private living and sleeping area for hire. Now, whereas the Hotel says, contains living and sleeping accommodations for occupancy. So does that mean that a Hotel isn't for hire; you don't rent rooms in a Hotel.

Mr. Walker responded Motels are usually one story and Hotels are several stories.

Mr. Stanise replied not anymore.

Mr. Dowd stated the term for hire; I don't understand the reason why you put for hire in a Motel and not in a Hotel. Basically they are both occupancy by guests whether they are traveling or otherwise.

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Ms. Escallier replied I think it is all subjective.

Mr. Dowd stated so I think the definition of Motel and Hotel, I'm okay with the Hotel one but the Motel one is sort of a little odd. The next section talks about adding to column two in the Industrial Zone. Under principal uses, adding Hotels as permitted but then what happened to Motels? It should say Hotels and Motels since that is the way it is read in the B-2. It says Hotels and Motels, but then in this proposal it only says Hotels. In fact if you look down the rest of the paper it doesn't mention the Motel again. So do you want Motels and Hotels? It should be consistent and each column should refer to Hotels and Motels in the I-One District otherwise you are really legislating only Hotels. This would allow Motels in the I-Zone.

Mr. Danzeisen commented I guess for the future of the community it is a good thing or maybe it is not. I think we really have to research whether there is a comprehensive plan because I know we talked about it years ago and then I got dis-involved with the Planning Board for a while. I don't know if it was done or not.

Ms. Escallier responded and if it is it is probably outdated.

Mr. Dowd stated even if you have an outdated one this is still supposed to be consistent with whatever plan you have and if that is outdated you get a new one. Assuming you do have one, assuming this is consistent with it, just for the purpose of just analyzing this thing and John and I have talked about this. If you go down to Section 3, it says to add to Column 2 use number 5, Hotels as permitted and regulated in B-2 and it doesn't mention Motels. So do you want a Motel or not? And then it says with the following exceptions and I have no idea, when I read the rest of this, what the exceptions are. Now Column 3 then says, which is the accessory uses, the same as 2 and 3 permitted in B-2 Zone for Hotels, again it doesn't say anything about Motels. Now Column 5 which is I guess the lot size they are going to allow 40,000 square feet. They are keeping the lot size for the Industrial Zone the same for Motel or Hotel, which is different than the B-2 which I think is only 15,000 square feet for a Hotel or Motel. This one you would need 40,000 square feet. So that might be an exception, if that is what they are referring to. Column 6 is I think setbacks. Column 7 the maximum building height 50 feet not to exceed a maximum of 4 stories, now does that apply to Hotels, I would think it does, but does it apply to Motels, I think it doesn't. I don't think I ever saw a 4 story Motel.

Mr. Russo replied you could with separate entrances.

Mr. Dowd responded you could, but again it is not clear from the text to whether they are strictly referring to a Hotel up to 50 feet but no more than 4 floors or also a Hotel/Motel. Then Column 8 they give you a 400 square foot per Hotel room, what about a Motel room do they have to be 400 square feet? There is no measurement for Motel square footage in this proposal. Then they talk about parking spaces and accessory uses open to non-registered guests, like a pool. As if you opened your pool to the community as oppose to the guest at the Hotel. Then you need to have more parking spaces. It doesn't say how many, does it?

Mr. Russo replied no. It says required parking for peak occupancy so I guess whatever the maximum occupancy of the building would be. I think it should be a little more defined.

Mr. Dowd stated just again, from strictly the text point of view it is confusing to me. In the beginning it says Hotels or Motels but everything else including all the dimensional stuff is all related to Hotels.

Mr. Danzeisen commented the only thing I don't see in here and having been involved with Hotels years ago, they do a lot of catering, business meetings and etc.

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Mr. Stanise stated and conventions.

Mr. Danzeisen replied not only do people come and stay there during these things but they get a lot of people from the area during them and that will affect parking.

Mr. Russo responded those were the accessories, as I think in Column 3 where it says same as 2 and 3 permitted in a B-2 Zone for Hotels. If you look in Column 3 under the B-2 I think those are listed as the accessories.

Mr. Dowd stated commercially operated swimming pools, accessories of Motels/Hotels, offices, meeting rooms, auditoriums or restaurants as accessory uses of a Hotel/Motel. So they are incorporating that into the I-Zone, but apparently for only Hotels, not for Motels because the word Motels disappears. I don't know what your overall comments would be, but those are just the things we saw with the text that didn't make any sense or seem to be inconsistent with the law and if you are really opposed to having Motels/Hotels in the I-Zone you should speak now.

Mr. Danzeisen responded I think it is important you make the comments, Kevin, you saw the inconsistencies.

Mr. Dowd stated how does the Board feel about allowing Motels/Hotels in the I-Zone?

Mr. Stanise replied it is pretty much in the green land.

Ms. Escallier responded I don't see that we want Motels in. I could see the community benefiting from some place that is large and has a convention center, has the pool area that can cater a wedding or whatever. I could see that in a County but the Motels are kind off going passé and I don't think that is going to help the community get better. I think it will make the community get worse.

Mr. Stanise replied I think it will devalue the area.

Ms. Escallier responded I would say okay to Hotels and not to Motels.

Mr. Stanise replied I agree.

Mr. Russo stated the only place they would be allowed in the I-Zone and the only real I-Zone is along 17, just in front of the PAD District. I think that is Commerce Drive.

Mr. Walker responded there is a lot next to Frasetto that they are interested in putting up a Hotel. It is a small lot.

Mr. Russo stated and we also allowed him to have a training type school facility in there and maybe it would be convenient for those who come out of town for staying at the facility.

Mr. Danzeisen replied as long as it is over there.

Mr. Russo stated according to the Zoning map that is the only I location, realizing that you have more B-2 Zones throughout the Village in other areas that I would prefer not to see Hotels/Motels in and try to keep it over that way. So really you could have these popping up all over the Village. I think you are better off.

Mr. Dowd commented you can have Hotels without having Motels.

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Mr. Russo replied you could. You could define it buy saying we don't want Motels. We would just like to see Hotels.

Ms. Escallier stated that is what we are saying.

Mr. Danzeisen replied I would agree with that as long it stays in the I-Zone and not in the B-1 and B-2 Zone that is fine. Restrict it to the I-Zone.

Ms. Escallier stated restrict it to the I-Zone.

Mr. Dowd stated stick a Motel/Hotel in the I-Zone?

All Board Members replied no, only a Hotel.

Mr. Dowd stated than take them out of the B-2 Zone.

Ms. Escallier replied Motels, no.

Mr. Danzeisen asked Hotels are already regulated in the B-2 Zone, right?

Mr. Russo replied Hotels/Motels are regulated in the B-2.

Mr. Danzeisen responded so just put Hotels in the I-Zone.

Mr. Dowd asked so Mr. Chairman; do you want me to draft something from you to send to the Board?

Mr. Danzeisen replied definitely.

Mr. Dowd responded okay.

*There being no further business, **MOTION** was made by Irma Escallier to adjourn the Regular Planning Board meeting at 8:45pm. Seconded by Martin Stanise. All in favor.*

Respectfully Submitted:


Jayle Leake, Recording Secretary