

VILLAGE OF HARRIMAN PLANNING BOARD MEETING

Regular Meeting

May 19, 2014

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Acting Chairperson Irma Escallier opened the Village of Harriman Planning Board Regular Meeting of May 19, 2014 at 7:44pm.

ROLL CALL:

Present: Board Members: Acting 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: Don Danzeisen; Chairperson, Member Frank Borowski

TRI-STAR MANAGEMENT – SITE PLAN REVISIONS 102-4-1-1.221

Present Joe Pfau, Engineer & John Sorrentino, Owner

Mr. Pfau stated to the Board that we received John's comments and went over them with John. Two of them are plan related. One has to do with detailing the curb and the other is detailing the connection of our PVC pipe to the existing line to the sewer main. Both of those are very easily to accommodate and both are minor details. We did receive a verbal response from Orange County Sewer District #1. They had one comment on, which we responded to and copied the Board and John on that. So we were hoping to get some kind of email today, but we anticipate getting that approval shortly. It was one minor comment which we did address. Other than that I believe we are all set to go. So we are hoping to receive some kind of conditional approval this evening.

Ms. Escallier asked what was on the report – the item?

Mr. Russo responded they did get approve from NYS DOT so when they get there highway work permits I've asked that that be submitted for the file. They are now showing on the right side of the entrance, coming off of Lexington Hills West, a 6" high asphalt curb to wrap around that. So I've asked for that construction detail to be included on the plans. As you know they are putting in a new sewer service going through Orange County Sewer District #1. The district had a comment and I also had a comment, as the main in the road itself at the time appears to be ductile pipe. They are running PVC. I want to know how that transition is going to occur with that connection. The other comment I had was that they continue to provide us with all copies of correspondence from outside agencies along with whatever they send to those agencies. Other than that they have addressed all the other comments we had previously.

Ms. Escallier asked so where are we at Kevin?

Mr. Dowd replied you need to take a SEQRA action – negative declaration. The public hearing was closed back on March 17th therefore you are really at your 62nd day today, or pretty close to it, so my suggestion based upon what John has reported to you is that we can give them a conditional final site plan approval. That would be on how John has spelled out the conditions. Obviously it is going to be Orange County Sewer District #1 approval, Orange County DPW approval and also a copy of the Highway work permit from NYSDOT that you will need for the work and of course constructed according to the plans and specifications.

Mr. Russo responded no I don't believe they have to do that. NYSDOT is a condition because they need to actually get approval before they can apply for their work permits. They do have a letter in the file noting approval of the work.

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Mr. Dowd replied I was going to say one of the conditions be that they give us a copy of that work permit before they start work.

Ms. Escallier stated and the other condition was that they give us the detail of the curbing.

Mr. Dowd replied right the other comment would be to provide two constructional construction details. To satisfy the conditions in the May 19th letter from John.

Mr. Russo stated I know we had received something from Orange County Public Works, from Pat Kennedy, stating I contacted John McCary Director of Real Property Tax Services who indicated that he has no concerns or objections to the proposed driveway upgrades at Lexington Hills Road. Now I know this was issued prior to that proposed asphalt curbing going in. Have you spoken with them at all since that time?

Mr. Pfau replied no we have not.

Mr. Russo stated just check with them. I don't think they will have any issue with it.

Mr. Pfau replied because that parcel of land I believe is owned by the County.

Mr. Russo responded right.

Mr. Pfau stated but I think in the end of that letter they are asking if we want to buy it.

Mr. Russo replied yes. I would just reach out to Pat and see if he has any problems with that going in there. I doubt it. That was the letter from April 9th that Pat Kennedy wrote.

Ms. Escallier stated I need a motion.

Motion was made by Juan Quinones declaring lead agency on the SEQRA and issue a negative declaration on the site plan application. Seconded by Martin Stanise. All in favor.

Motion was made by Martin Stanise to grant a conditional site plan approval for Tri-Star Management with the conditions being that they must show evidence and receive Orange County Sewer District #1 approval for the sewer connection. They have to have Orange County DPW approval for any work done in the right-of-way that is shown on the current plans. They have to meet the conditions on the plans of the May 19th comment letter of the Engineer and they should provide us with a copy of any highway work permit from DOT when they receive it when they are doing work. Seconded by Juan Quinones. All in favor.

Mr. Pfau stated prior to the building permit.

Mr. Dowd replied prior.

Mr. Walker commented I will need copies with the permit.

Mr. Dowd stated I will prepare a formal resolution.

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SAINT ANASTASIA – SITE PLAN UPDATE

102-4-7.2

Mr. Dowd addressed the Board stating there is no representative from St. Anastasia here because if you remember last month we gave them a conditional final approval and we asked them to make some amendments to the site plan and to fill out a new application that contained the structure on the site plan that wasn't reflected in the application for the extension of the sacristy, as well as to amend their new short form EAF. They have given us the new EAF, the new application and the new site plan.

Mr. Russo stated at this time all previous comments were addressed in regards to the plans and that was noted at the last meeting. As Kevin has stated they have updated the application to reflect the 100 square foot sacristy office on the application and on the SEQRA forms, which they did show everybody on the plans the last time they were here. It was part of the last plans submission. At this point I have no further comments.

Mr. Dowd commented they can submit enough copies of the plans so the Chairman can sign them. It is ready to be signed. So it is really administrative now.

Mr. Walker stated I have a question. At every meeting for Tri-Star you wanted the owner here. You got to have the owner here. The owner was sitting here and no one asked him a single question. I am just throwing it out there for you.

Ms. Escallier replied I didn't have anything to ask him.

Mr. Russo responded I don't think it was asking, I think somebody want to tell him that he shouldn't be parking the vehicles and that it is not going to be acceptable anymore.

Ms. Escallier stated I asked Kevin before the meeting.

Mr. Dowd replied we can't impose a condition that presupposes a violation of the conditions on the site plan. You will have to wait until he actually violates it and then Ron will have to hold him to the site plan that was approved and signed.

Ms. Escallier stated I wanted to, believe me. That is why I consulted with Kevin before the meeting.

Mr. Dowd responded again you can't say to somebody I am going to make a condition of your approval, saying that if you violate you have to come back to us.

Ms. Escallier replied and that is exactly what I wanted.

Mr. Dowd stated you can't do that. You can't presuppose a violation, plus if it is a violation of the site plan, it falls under the enforcement arm of the Village government and not the Planning Board. Again, if Ron has to violate them he has a number of things he can do. #1 bring them to court, #2 he can also ask them to come back to the Planning Board and see if you can resolve the issue as the violation has occurred. Hopefully, this will straighten out the site. Again, you can't presuppose that there is going to be a violation until it happens.

Ms. Escallier replied that is why I didn't ask him anything. I consulted with our attorney before the meeting.

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Mr. Walker responded alright, okay.

Ms. Escallier stated believe me I wanted to, to make it conditional.

Mr. Dowd replied the only way we would have caught that is if somehow it was going to be a special permit use. Where you can actually make them come back every six months to see if they are complying with the conditions. Unfortunately, that is not the case here.

Ms. Escallier responded it is just a matter of time because we know the size of the business is bigger than what the lot will allow. It is just a matter of time.

Mr. Russo stated hopefully it won't with the improvements they make.

Mr. Hagopian asked don't an automotive need a special permit for B-2?

Mr. Dowd replied no this was just a site plan amendment.

Mr. Russo responded this was just an extension of the parking.

Mr. Hagopian commented it is still automotive.

Mr. Russo replied existing, yes.

Mr. Dowd stated it was just basically parking lot issues.

Mr. Walker asked is this about Tri-Star you are talking about. They have to get a grading and excavating permit.

Mr. Russo asked they have to get a grading and excavating permit, why?

Mr. Walker responded that is what started the whole thing when they started digging.

Mr. Russo replied now that they have an approved site plan it would be done in accordance with the approved site plan.

Mr. Walker responded right, but they will still need the permit. I told him he needs that along with a copy of the highway permit and sewer permit.

Mr. Russo replied okay.

Mr. Dowd stated lets' assume for the sake of getting on with the business that this will be taking care of properly this time and if it is not, they will be back in court or back before you with the corrections they will need to make.

Ms. Escallier asked so what happens now if they fail to come for the permit.

Mr. Dowd stated he will violate them.

Mr. Russo replied or they can't do anything.

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Mr. Walker stated they were fined \$1,000.00 the other night for digging to begin with and if they don't complete the process they will be fined another \$1,000.00.

Ms. Escallier commented so they better come.

Mr. Walker replied to save them \$1,000.00.

Mr. Stanise asked have they been fined for anything else?

Ms. Escallier stated like violations for parking?

Mr. Walker replied no. This Order of Remedy was issued back in 2011, so it still stands.

Discussion broke out

Mr. Russo stated hopefully this will be the end of it and they will get there approvals from all the other agencies and get the highway work permits to move it forward. Did the court give them a time frame on when they have to have everything remedied by?

Mr. Walker replied no. It would be based on the permit.

Discussion broke out

Ms. Escallier asked is Village View coming on?

Mr. Dowd replied they are asking for a Workshop before the next meeting.

Mr. Russo stated they would like to have a Workshop Meeting. Two meetings ago they made their submission and wanted to set up a Workshop with the Board and at that time we said let us review everything and we will give you our comments and then you can bring the plans further along and get some other items addressed at which time they agreed to that. They have been moving along diligently. They are currently updating the Storm Water Pollution Prevention Plan. Their Traffic Engineer just submitted a revised updated traffic report, which I submitted over to John Sarna, the Village's Traffic Consultant. I spoke with Dave Ziegler today and they have addressed about 70% of my comments.

Ms. Escallier commented so they are working at it.

Mr. Russo replied they are working at it. So what they would like to do is come in an hour early the next Planning Board meeting and have a Workshop prior to the Planning Board Meeting itself because they figure everyone is going to be here that night.

Ms. Escallier responded that is June 16th. Does anyone have any objection to that?

Member's Stanise and Quinones replied no.

Mr. Russo stated you may want to reach out to Don.

Ms. Escallier responded we have to reach out to Don and Frank and ask them if they can be here an hour early.

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Ms. Leake commented I will reach out to them.

Mr. Russo stated it would be a Workshop that they can meet with whomever from the Board, the consultants and go through where they are and what they are looking at.

Ms. Escallier responded I can see why we would need one. It has been a long time since we looked at it that is #1 and their proposed changes along the way.

Mr. Russo commented I think that is the longest running project in Harriman.

Ms. Escallier replied yes it is. Village View came on Board coincident with Concord Park that's how long ago it started and Concord Park is almost done.

Mr. Quinones asked are they townhouses or single family homes?

Ms. Escallier replied single family homes.

Mr. Dowd responded part of the problem was the access. How they were going to get out of the development on to a private road/town road and now they are reworking it and going different ways and another town road and they already got a highway work permit.

Ms. Escallier replied and different jurisdictions.

Mr. Walker commented it's been at least 10 years it's been going on.

Mr. Russo stated the entrance location has shifted, but they are still crossing into the neighboring town to have access to the site.

Mr. Dowd replied but now it is not onto a private road that needed to be approved and then dedicated to someone.

Mr. Russo responded that was a big question if I remember.

Mr. Dowd stated we were discussing that back in 2008 at least, I can remember, so that is how far I know about this. The whole thing was access, how do you get access. Who is going to be responsible for this, who is going to have jurisdiction for that, who is going to plow the roads, how are you going to get to the roads.

Mr. Russo replied and those are still going to be questions that are going to be raised at this point in time because the first portion of the access road is in the Town of Monroe.

Mr. Dowd stated they already received a permit from the Town.

Mr. Russo replied they got a permit but who is going to maintain it is going to be my question. I don't know if there is going to be an agreement between the Town and the Village, since the Village is going to go up there and maintain the rest of the roads. Are they going to do that or visa-versa?

Mr. Dowd stated at least it takes out the private road aspect of it.

Mr. Russo replied I think one of the residents was complaining that it was theirs too.

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Mr. Dowd stated there were a number of people complaining they had it.

Mr. Russo asked who was paying taxes on it?

Mr. Dowd replied I don't think anyone was. I think it was off the tax roll to tell you the truth.

APPROVAL OF MINUTES:

Ms. Escallier stated the December 16, 2013 Regular Meeting, March 17, 2014 Public Hearing & Regular Meeting and April 21, 2014 minutes will be tabled.

MOTION was made by Juan Quinones to approve the minutes of the February 24, 2014 Regular Meeting. Seconded by Martin Stanise. All in favor.

There being no further business, MOTION was made by Juan Quinones to adjourn the Regular Planning Board meeting at 8:05pm. Seconded by Martin Stanise. All in favor.

Respectfully Submitted:



Jane Leake, Recording Secretary