VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
April 20, 2015
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Chairperson Don Danzeisen opened the Village of Harriman Planning Board Regular Meeting of February 24, 2015 at 7:30pm.

ROLL CALL:

Present:

Board Members: Chairperson, Don Danzeisen; Members, Irma Escallier, Ron Klare & Alternate Members, Jennifer Phillips-Carrillo and; John Russo, Engineer, Kevin Dowd, Attorney, Ron Walker, Building Inspector and Jane Leake Recording Secretary

Absent: Martin Stanise & Juan Quinones

APPROVAL OF MINUTES:

The March 16, 2015 Regular Minutes were tabled for the next Planning Board Meeting.

Garfield Plumbing & Heating
36 State Route 17M
106-5-15

Present: John Loch, AFR Engineering & Land Surveying

Mr. Loch addressed the Board stating when the project was last before you we were sent off to the Zoning Board of Appeals and since then they were not able to get a quorum for a meeting, so we have not appeared in front of them yet. In the mean time we have been trying to resolve the other issues that the Planning Board has raised and we have revised the plans and have submitted them back to the Planning Board with the anticipation that we would have been to the ZBA by now. I do have a copy of Mr. Russo’s report. If you would like I would go through it or if you prefer you can have Mr. Russo go through it.

Mr. Russo stated the first comment is we are waiting for the ZBA to make a decision in regards to the storage within the Building. The second is the proposed outdoor storage. Assuming it is going to be for acetylene tanks although pictures show propane and the last time they were here they only spoke about acetylene. Outdoor storage is not allowed in the B-2 Zone. It is only allowed in the I Zone and the PAD. Usually I would prefer to see the acetylene or any type of fuel tank stored outside instead of within the building. If the applicant is going to the ZBA they may want to bring this up as a topic also.

Mr. Danzeisen commented definitely.

Ms. Escallier stated the picture was interesting.

Mr. Russo stated it is similar to something you would see at a fueling station that has refills on the propane. It secures it and keeps it outside.

Discussion broke out.

Mr. Russo continued stating let me ask you Ron; is there anything in the State Code that requires it to be interior?

Mr. Walker replied off the top of my head I don’t know.
Mr. Russo responded okay. What Mr. Loch was considering was, and as he said a few other municipalities if the unit is bolted to the wall and roofed over they don’t consider it outdoor storage. It is kind of subjective to what each individual considers. So I think the best bet is bringing it up with the Zoning Board of Appeals tomorrow. If they are going to be there weighing in on the storage they can weigh in on this at the same time.

Mr. Dowd asked is your application in for the ZBA?

Mr. Loch replied yes.

Mr. Dowd asked they are supposed to meet tomorrow?

Mr. Loch replied that is my understanding.

Mr. Dowd asked for a public hearing or to just meet with them?

Mr. Loch replied I am not entirely sure; we have not met with them yet.

Ms. Leake stated just a meeting. No public hearing.

Mr. Dowd commented if you are going to have a discussion with the ZBA in accordance with scheduling a Public Hearing that would be the time to bring this up.

Mr. Loch replied we will have to amend our application and somehow to address that.

Mr. Dowd responded hopefully not to lose any more time.

Mr. Russo stated the last item is the access easement to the residents in the rear. They share or have an ingress/egress easement over the subject parcel. The question is where it lies. Based upon the description that easement was over a driveway that existed in 1956 at the southerly side of the property. Basically that is all it tells you, so I’m not very sure where this easement exists and the concern I have is they are now proposing two parking stalls on the southerly side and the question is are those going to interfere with...

Mr. Danzeisen replied they are probably going to be like smacked in to their driveway.

Mr. Loch responded no, I don’t actually think so and I can tell you why. The edge of the driveway is actually off-set within the back half of the parking stall. One of the things I did today I went looking to see if there was any photographic evidence where the old driveway was and I started working back in time-lines and as you can see vehicle parked partially in the driveway, but I have a series of pictures over one period of time with vehicles being parked out in this area (referring to map) and you can clearly see they have room to get in and out of the driveway. One of the things that I did do was is in showing where we were proposing the parking space the constraint on the other side is a retaining wall. We have slightly under 15 feet to the retaining wall. So we have more than enough room to get in and out for adjoining people and it is certainly not our attention to do anything to cut them off. Pretty much they have been driving through this parking lot for long periods of time with vehicles, sometimes parked.

Discussion broke out.

Mr. Russo asked Mr. Hagopian where does that driveway exist? I know you know.

Mr. Hagopian replied no comment.
Mr. Russo continued stating the question is; do we have them shift those spaces, do we have them do further research to see what they can go back and find or do we have them define a new easement?

Mr. Danzeisen asked are there any maps available?

Mr. Loch replied we looked for the file maps. We had someone go through the Building Department files here looking for anything available on it.

Mr. Danzeisen stated it had to have been filed in the County.

Mr. Dowd responded it looks like it was created in a D transfer.

Mr. Loch stated it was created in a D transfer that they simply said that they had a right of egress/ingress over the driveway as it existed in 1956.

Mr. Klare asked what if someone doesn’t know that there is an easement there and they double park and the people can’t get out?

Mr. Loch replied we are certainly not doing anything to try and take away the rights of ingress/egress.

Mr. Dowd stated you just want to show the parking spaces outside that easement, wherever that easement exists. Right?

Mr. Russo responded he actually has those in an area where he can actually put them because there is not a lot of room to put anything extra.

Mr. Loch replied I kind a left enough room for other people in the back here to back up and get in and out of parking spaces.

Mr. Russo asked how many spaces are your clients going to need?

Mr. Loch replied my understanding is not many. They basically usually have two or three people in the building. They have crews that come periodically and pick up stuff and leave.

Mr. Russo asked is your client here?

Mr. Loch replied no, they are generally here. Not a lot of people working out of the site.

Discussion broke out.

Mr. Russo asked how many vehicles would you be having at the site at any given time? What is the most? How many people would you have in the building along with other vehicles showing up? Are you looking at actually having six vehicles at a time, maybe eight?

Mr. Klein replied it is not going to be together. It is a total of five vans. They are never together. Three people take home vans.

Mr. Russo asked so the vans don’t park there at night? Do the vans usually go home at night with the employees?

Mr. Klein replied three vans go home.

Mr. Russo asked two vans will be there?
Mr. Klein replied I would say two or three vans.

Mr. Russo stated so let’s say three vans and then would there be anybody else being parked at the building at the same time?

Mr. Klein responded they would take the van to the job and then we come.

Mr. Russo asked when they take the van to the job that means they drove there and more than likely parked there vehicle.

Mr. Klein replied most don’t but two people only bring their own cars. They usually come by taxis.

Mr. Russo stated my recommendation would be ..

Mr. Loch replied to ask them to reduce the parking?

Mr. Russo replied yeah, I think that is the easiest way and eliminate those two spaces over there because the only other way to define that easement is to actually show that easement and go back to the residents to try and get established.

Mr. Dowd stated not unless you can find some photographic evidence better than what you have now.

Mr. Loch replied I kind of doubt it very much, unless I can find someone that was doing a particular project in the area and hit the right aerial and they got it in there library. It is really unlikely.

Mr. Dowd stated unless you can get folks that have been around for a long time that can give you an affidavit where the driveway was or was supposed to be in 1956.

Mr. Loch replied I don’t want to start with people who were born in 1956.

Mr. Dowd responded that is true.

Mr. Loch stated let’s say we wanted to start to talk to people that were let’s say at least fifteen years old or people that were born in the 1940’s.

Mr. Dowd replied that would probably be the only other way. It would probably be easier for you to ask for a two space variance as well as the other variance.

Mr. Russo responded make sure when you go tomorrow that you know exactly the maximum vehicles you are going to have.

Mr. Walker asked did you check with Paul, the tenant?

Mr. Loch replied I haven’t spoken directly to him, but I did examine his deed. That is how we became aware of this and some other things.

Mr. Russo stated just over a driveway that existed in 1956 or 1957, one says one and one says the other, on the southerly side. No meets and bounds.

Ms. Escallier asked where are your doors on the site plan?

Mr. Loch replied we have the garage door labeled, all the location where we are showing first floor little arrows are where the doorways are. There are multiple doors (showing them on the map).
Mr. Russo asked I believe you said there were no signs proposed?

Mr. Loch replied no.

Ms. Carrillo asked can I see that picture again; the color picture at the very end that you showed that had the parking?

Mr. Loch showed the pictures to the Board Members.

Ms. Carrillo asked most of your deliveries will be in the back by the garage. They are going to come in and back in. You are going to leave a van back over there and maybe one or two over here, right (referring to the map)?

Mr. Loch replied yes.

Mr. Danzeisen asked any other questions.

Ms. Escallier replied not at this time.

Mr. Danzeisen stated wait and see what happens with the ZBA. The other thing you might want to address with the storage of both the acetylene and propane tanks is this gentleman should inquire with your insurance carrier what he requires because sometimes even if you are allowed to put them inside your insurance carrier may say no way. Just a thought, I have run into it before.

Mr. Klein replied I had insurance with my existing place and they didn’t ask me anything about it.

Mr. Loch stated thank you for your time this evening.

Harriman Family Dental
103-1-13.2
Site Plan for Dental Office with Additional Commercial Rental Space

Present: Bill Johnson, Sparaco & Younblood, PLLC

Mr. Johnson addressed the Board stating there is currently a dental office in the existing building. The existing building sits here in the back (referring to diagram). The new proposed building will be here (referring to diagram) with the offices on the upper level and the basement level will be upgrade in the front here (referring to diagram). The doors will open out and into a walkway into the parking lot with handicap accessibility. We also added three more parking spaces here (referring to map) because we decided to take this pavement out of here in the front. The DOT probably wouldn’t want it there anyway because it is in the right-of-way. We don’t plan to do any improvement to the front entrance. If the State wanted us to it would be a major change to the property, it would be curbing in the front and different things like that. The sign, the client requested a position of a sign in this location here (referring to diagram). He has not put in the sign application yet because he doesn’t know exactly what he wants to put on the sign, but he will adhere to the Code which we also state on the planner. We have done drainage design that John had reviewed and we have some comments and some answers (he handed out a response letter). We also have added rows of trees here. As far as the residential buffer goes John made a comment that we should take the residential buffer from the property line for the church, which is not decided. There is a discrepancy there as far as the property line goes. We don’t have any problem in doing that. As far as the lighting goes, when I was out at the site last Tuesday I found that there was a telephone pole here (referring to diagram) with a huge flood light – dusk to dawn – that Orange and Rockland owns and apparently the owners of the property are paying for that and it floods this whole area here (referring to diagram). So the only lighting that would be an improvement would be possibly
lighting off the building onto the parking spaces, unless you want us to put up some other kind of lighting in the parking lot.

Mr. Russo replied I think we would still like to see the asymmetric.

Mr. Johnson responded we haven’t gotten those yet from the architect. When we do we will give them to you. Essentially this is actually the entrance to the post office parking lot and this would be the front of the building facing Route 17M (referring to the diagram). The orientation is probably not exactly where it is going to be, but it is close.

Mr. Russo asked do you have entrances?

Mr. Johnson replied there are entrances to the bottom of the storage area. They used some kind of hooks on the entrance ways, I guess to dress it up.

Mr. Russo asked are there going to be walks or anything?

Mr. Johnson replied I don’t have any architectural at this point. There is no intention to use that space at this point for anything but storage. For the office there are two offices for design – one would be used for the dental office and one would be rented out and the storage space will be for both.

Mr. Russo stated questions I had with regards to those entrances. Are they going to be pads in front of those doorways, are there going to be walkways to those doorways?

Mr. Johnson replied there is nothing on the plan for that now. It is strictly an additional exit to the outside.

Mr. Russo asked so you can access the downstairs or lower area from the upper floor?

Mr. Johnson replied yeah within the building. They put some dormers on the roof and as I said I haven’t seen final architectural, so I don’t know if the artist just got carried away. From the back it would be similar to this with the parking area at the building level for the first floor entrances for the two office spaces.

Ms. Carrillo asked John if it is an emergency exit only, do they have to put pads out on the front?

Mr. Russo replied yes, they need a pad.

Mr. Walker replied it looks like they probably do need a pad and they probably should have walkways over to the parking lot.

Mr. Johnson replied I’m sure the client will have no issue with that. Any other questions?

Mr. Danzeisen stated I would really like to know what they are going to use that second commercial space for. Is it going to be retail or is it going to be office?

Mr. Johnson replied office.

Mr. Danzeisen stated that dental office can scarf up all these parking spaces in the front and a couple in the back with its present business without anything else over there. I have been there as a patient and have had a hard time to find a place to park.
Mr. Johnson replied I was there on Tuesday we were doing the deep holes and perks and I counted nine cars and two of them were mine and John's employee's car, so there were about seven spaces being used at the time.

Mr. Danzeisen responded even in the front here where that parking space used to be, you have three vehicles in there or maybe four on this wall (referring to diagram).

Mr. Johnson replied we are taking that part out and adding three more.

Mr. Danzeisen stated it says three existing here (referring to diagram).

Mr. Johnson replied it is to be removed and added three here (referring to diagram). There is an existing four here (referring to map).

Mr. Danzeisen asked you can actually get four in there?

Mr. Johnson replied yes.

Mr. Danzeisen stated it could have been the way they parked when I was there.

Mr. Russo stated I stopped over there tonight and the parking is...

Mr. Danzeisen replied it's real tight.

Mr. Johnson commented they were parking the other day so far out of the space it is ridiculous. They could have parked eight feet forward and they didn't. In fact Ron was with me when we saw that and I think Eric was there too. The lady was having a hard time backing out because people only pulled half way into the space.

Mr. Walker replied if it is paved and stripped that would help people to know where to park.

Mr. Johnson responded we proposed the spaces to be stripped.

Mr. Dowd stated so the existing building would remain until the new ones up, offices will be moved into the new building and then the old one taken down?

Mr. Johnson replied the dental office would be moved into the new one.

Mr. Dowd asked and then the old one will be taken down?

Mr. Johnson replied yes.

Mr. Dowd asked so when you move the offices into the new building and before the old building is taken down are you going to have enough spaces?

Mr. Russo replied I believe they would be able to stay in operation and have enough parking spaces.

Mr. Johnson stated at that point there will be seven existing spaces that aren't going to be moved and three proposed. They can build those prior to the building being taken down.

Mr. Dowd asked seven available spaces before the building comes down?

Mr. Johnson replied before the dental office comes down, there are still seven spaces that won't be in the way of that parking lot.
Mr. Dowd asked if the owner then fills up both office spaces you are not going to have enough space before the old building comes down and parking is built right?

Mr. Johnson replied I don’t know what his intentions are, whether he is going to rent right away or not I don’t know that, but I am sure that they would have to make some arrangements with temporary space on the property. The contractor would have to do something in that respect.

Mr. Dowd commented that affects the site plan in what we are talking about now.

Mr. Johnson replied we can put it on the plan that the other office is not to be used until the actual parking lot is built.

Mr. Russo replied yeah. I can understand this being built while this is still operational, but once this is built and this is being demolished I can’t see this new building being accessed while this work is going on for this construction because the entrances are right in this area.

Mr. Johnson stated I don’t know if we need to do a scheduled thing where they are going to have a temporary stabilized construction entrance here. They can easily make a stone walkway to there (referring to diagram) to access the office, while the rest of the parking lot is being built.

Mr. Dowd responded as you take it down there will be demolition material in there and construction work.

Mr. Johnson replied I’m sure the office won’t be open when they are doing that kind of demolition.

Mr. Russo commented you are talking about seven spaces so you are saying leaving these three down here (referring to diagram).

Mr. Johnson replied no, the three that are proposed to be built and the four that are existing.

Mr. Russo stated if they are using this tracking path for construction during demolition unless you are going to put a new tracking pad in over here (referring to diagram) during demolition. Otherwise, you won’t be able to park the three vehicles here; you would have heavy equipment in and out of this area.

Mr. Johnson replied the Ruby Group are the contractors and they done a lot of these projects.

Mr. Russo responded that is fine, but I think we are going to kind of need some sort of phasing as far as how this is going to be laid out during construction.

Mr. Johnson asked could that be done as part of the building permit that the contractor coming in has to propose there process for construction.

Mr. Dowd stated a lot of it is Engineering, but you are making changes to the site plan that you want this Board to approve as you go.

Mr. Walker responded I don’t think you can do that. There is going to be a lot of construction going on. You are going to be taking a building down and you are going to be having people parking here trying to get into the dentist office. I just don’t see it happening. I think they will have to close the office.

Mr. Dowd stated that is why we are raising the question. I don’t know how you are going to be parking.

Mr. Walker replied plus you have employees who are running the machinery and doing the work.

Mr. Dowd responded and the employees from the dentist office never mind the patients.
Mr. Russo stated I think you are going to need phasing plans then for this Board to show, one how the site is going to operate, when this building is being constructed and then again when this building is completed and supposedly operational to show how the site is going to work.

Mr. Dowd commented maybe the doctor will have to close his office for the demolition period.

Mr. Russo replied that would make more sense to me. It would be safer for everybody.

Mr. Johnson stated I will make that recommendation to them. The question is do we have enough answers for you for the drainage and could we at least move to the negative declaration?

Mr. Dowd replied we have an involved agency here, DOT. You are not going to change the entrance unless they make you change the entrance.

Mr. Russo stated they still are part of the SEQRA process. They have to be submitted to them for SEQRA. I understood Steve’s comments with regards to the class and be conservative for the thirty minutes. I just wanted him to take a look at it and he might be able to adjust something down. I have no problem with it being conservative.

Mr. Danzeisen commented I noticed there is no vegetation on this print close to Route 17 roadway.

Mr. Johnson replied we purposely stayed out of the Route 17M Right-Of-Way because every time you work in the Right-Of-Way within fifteen feet of the property line or Right-Of-Way on your property the State wants to have a work permit so we purposely kept the contouring back from there. Any disturbance, the only disturbance we have is we are putting a sewer across the road for the house connect and for the removal of the Cape.

Mr. Danzeisen stated I only asked the question because coming in and out of there is a visual challenge with the existing vegetation, to say the least.

Mr. Russo replied sight distance.

Mr. Danzeisen responded if you try to look up over the hill to see what is coming at you and you can’t see it. Around the other way you can’t see passed the entrance/exit to the post office because of the shrubs that are out on the road. That is not your problem, but there is a couple there.

Mr. Johnson replied well no because it is in the State Right-Of-Way.

Mr. Russo commented the State would make them look at sight distance, left and right. It may mean just kind of trimming it back a little.

Mr. Johnson replied you need a work permit to trim brush in the road.

Mr. Russo stated you are going to be going for a work permit no matter what.

Mr. Johnson replied we could when the State reviews it and in actuality the State has changed their procedure.

Mr. Russo responded it is a perm 33 now, you need.

Mr. Johnson replied I just found that out today. We never had to fill out a permit before as the Engineers. The builder would go in and get a building permit after the job is approved. Today they tell me you have to fill out a permit ahead of time, the first part and you have to submit a PDF form either in cassette form or I think you can email it, but they need a digital form and also a hard copy before they will even look at
it. I was going to bring the plans there today because we had an issue with the mailing address therefore I was going to drop it off today and she said no point.

Mr. Russo commented it is the new perm 33 and there are problems. They are beta testing it because I have already been through it, but it does go pretty quick once they have it.

Mr. Johnson replied we have no problem submitting it to them and as I said we had it in the mail to them, but it came back today.

Mr. Russo stated I know Steve responded in a note requiring a State DOT permit be obtained. You need to go there now because our concern is when DOT reviews it are they going to want any changes. We need to know that now before we approve the site plan.

Mr. Johnson replied the only changes they might want are a wider entrance with the curb and possibly transition curb.

Mr. Danzeisen stated you look at that 12’ choke in there and the problem really comes to bear when you have one person exiting and another trying to get in there at the same time.

Mr. Johnson replied I asked the client about it and he said he never had known it to be an issue.

Mr. Danzeisen stated the client can’t see that. The only guy that could see that is Dr. Net in the corner office when he is working. The Associate’s office is on the other side, he doesn’t see it.

Mr. Johnson replied we did discuss it at preliminary meetings and it was decided not to change the entrance if it wasn’t necessary.

Mr. Danzeisen commented he should ask his customers what some of us think about that.

Mr. Russo stated on number 5 I know he said an attempt to minimize disturbance on the site that is utilized in development of this plan and also minimize work within 15 feet of the Right-Of-Way. My number 5 had to do with regards to the grading shown here in and that was back in this area (referring to diagram).

Mr. Johnson replied because you called it a V.

Mr. Russo responded that is the V channel right there (referring to the diagram). No, I wasn’t looking there. I’m looking right in here (referring to the diagram). I know when they grade this out this is going to get graded like this, like this (showing Mr. Johnson).

Mr. Johnson replied it is all blended.

Mr. Russo stated they are not going to be able to blend it in like that when they do it. That is going to be a smooth slope right down there.

Mr. Johnson asked you just want me to clean these lines up?

Mr. Russo replied yes, just clean them up and blend them in smooth. Ron, they have an underground oil tank?

Mr. Walker responded they have to get a permit to remove that.

Mr. Russo asked they have to get a permit from you, correct?
Mr. Walker replied yes.

Mr. Johnson responded my client is well aware of it.

Mr. Walker asked is anyone using that tank?

Mr. Johnson replied they are presently. They will have gas in the new building and they can do away with it. He is aware that there is possible ground contamination, checks they have to do and everything. I have given him a couple of names and companies that do that.

Mr. Russo stated with regards to the water service. The water service for this lot comes through the back of Harriman Associates, the neighboring property. Steve or your-self spoke with the Village.

Mr. Johnson replied I was in the field with Eric and Ron and the guy came up to mark it out and he knew where it was and I asked him it is one service right out to the main and he said yes. I said, is it reusable and he said yes. I said we can connect on to it for the new building and he said yes. I think he said it was either ¾ or 1". He didn’t have the plan right in front of him but he said when they get out to where they are going to cut it he will witness it and if he wants a valve there he will put a valve there.

Mr. Russo responded I didn’t know if there was a valve or curb-stop.

Mr. Johnson replied I don’t really know on the other end, it probably is somewhere in the street maybe.

Mr. Russo responded it might be easier for them to have one here that they can access. I was figuring putting one in for service in that location because I don’t know where it is, if it is paved over or if it is operational.

Mr. Johnson replied it is going to have to be turned off for them to cut it.

Mr. Russo stated that is about all I have at this time.

Mr. Dowd commented what you can do tonight for sure is begin the SEQRA process by declaring your intent of lead agency for an unlisted coordinator review with the DOT and that will start the clock running once we get that out. Are there any extra plans that need to be submitted to the DOT for SEQRA?

Mr. Russo replied we have to submit to DOT for SEQRA so I will need an additional set of plans.

Mr. Dowd asked do you need to send one to the Orange County Sewer District? I see they say no permits needed, but even if it is a new line do we need to get a set to them?

Mr. Russo replied not now.

Mr. Dowd continued I am assuming the Board is going to want to have a Public Hearing on this at some point. The question is, do you want to schedule it for next month or do you want to see the plans worked out?

Mr. Danzeisen replied lets’ see the plans worked out first. There will be too many unanswered questions.

Mr. Dowd responded as far as the phasing.

Mr. Danzeisen replied yes.

Mr. Dowd responded all too new.
Ms. Escallier replied correct.

Mr. Dowd continued we can start the SEQRA process.

**MOTION** was made by Irma Escallier for the intent to be lead agency for an unlisted coordinated review according with DOT. Seconded by Jennifer Phillips-Carrillo. All in favor.

Discussions broke out.

There being no further business, **MOTION** was made by Ron Klare to adjourn the Regular Planning Board meeting at 8:15pm. Seconded by Irma Escallier. All in favor.

Respectfully Submitted:  

Jane Leake, Recording Secretary