VILLAGE OF HARRIMAN PLANNING BOARD MEETING

Regular Meeting
December 21, 2015
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Chairperson Don Danzeisen opened the Village of Harriman Regular Meeting of December 21, 2015 at 7:30 pm.

ROLL CALL:

Present:
Board Members: Chairman Don Danzeisen; Members, Irma Escallier, Ron Klare, Juan Quinones, Martin Stanise, Kevin Dowd, Attorney, and Barbara Singer Recording Secretary

Absent: Alternate Jennifer Phillips-Carrillo, and John Russo, Engineer.

APPROVAL OF MINUTES:

Motion was made by Member Klare to approve the November 16, 2015 Regular Minutes seconded by Member Quinones. All in favor.

PL GROUP INC
108-1-11
REVISED SITE PLAN

Present: Allen Peck, Owner

Mr. Peck states we’re not going to touch on the site plan issues, we’ve already had all of our conversations and we’re waiting to do the new map once we finally have our final from the Army Corp of Engineers but I would like to give you an update on where that is. The Army Corp of Engineers has processed our application so it’s officially accepted and processed. They were a little confused about the PL Group and Add Storage. Add Storage is the applicant as they put on the paper because they are the operator of the business and constructor of the building. PL Group is the owner of the property. They have processed the application like that, it will read that way. That’s a good resolution. The purpose of today is because of this thing with my neighbor and the issues with the height restriction that was put in the subdivision being thirty-five feet versus the fifty feet that is in the zoning. We are adhering to the thirty-five feet, and we are going forward on that, softening the look of the building by having a pitched roof rather than a flat roof. We asked the Town of Woodbury building inspector which code do we follow, he wrote us back that we have to follow the Harriman code. And you have a copy of that letter. Going forward, everyone has a copy of this rendering; this section of the building is ninety feet wide, so forty-five to the middle, this is pitched this way, and then in the back it goes forward forty-five feet. So it’s the same angle. You are going to see roof. The thirty-five feet was measured from the median of the roof down to the average of the four corners of the building. That’s the way the code reads. As a result, this half section, where the pass through is, we are trying to maintain the importance of that pass through. And keeping the noise down is a very big plus in the way this building operates especially because it’s going to be running twenty-four hours a day. So that’s what is going on outside is minimized because you have fifty-four loading docks indoors and that’s going to help whatever traffic you’re going to have in here, we’re maintaining that, and this section is thirty-five feet wide so you’ll have three lanes of traffic going through here. The middle lane is the pass through and the loading is on each side. This part is backfill, so from the corners they are backfilled, so you measure from the top of that backfill to get to this thirty-five feet and that is okay with the code and that allows us to have the height that we need for this pass through. Otherwise you wouldn’t be able to do it. The building is going to about ten or fifteen feet lower, the signage is lower, at least ten feet. I still have to put the balloons up; we didn’t want to do that until we knew what we really had. Now with your consensus on the concept of the building, what I described just now, then we can go forward and finish that up and make this a finished copy of the plans.
The footprint is the same. The site plan is basically the same; we have a list of things that John gave us that have to be completed. We haven’t documented them yet because we didn’t know what the Army Corp was doing. We just recently got an okay with them and the forty-five days if they don’t give us a written piece of paper, the forty-five days is ticking. So if we don’t get anything from them in the forty-five days of December 4, which is when they received it, we would have an automatic approval.

Chairperson Danzeisen states we can’t take any action until all of these things come to fruition.

Mr. Peck adds from a conceptual point of view do you agree with this so we can put it on the plan?

Mr. Dowd states I spoke with Allen about this. We had several meetings about this. He’s got the thirty-five feet which is not only what the code says but what the approvals from 1989, 90, 91 in the corporate park code so then the only question was whether you measure the thirty-five feet on whose code. And the answer is the Village of Harriman. And without getting into specifics I told him we would take the definition of building height from our code and you figure out the thirty-five feet, what it should be and that’s what he’s doing. Assuming that all of those calculations are done. The concept is as you and I had spoken. This will remove an issue that a neighboring property owner raised about the prior approvals of the corporate park and the uniformity that was imposed upon that whole development. I think that this is a good improvement.

Mr. Peck add we had a work session and we went through all of that and before we were moving a lot of soil, we can’t do that. In that document, the original subdivision, that’s prohibited. There’s a restriction there so we’re using all of the material that we have on the site by grading it, compacting it. We hire a geotechnical engineer to supervise our work and he gave us another letter which I think I gave to you, from Dan Lopps.

Mr. Dowd replies the first one that should see that is John because he’s the Village engineer.

Mr. Peck replies it really needs a specialist because during the course of the work it needs to be tested. A testing organization will go in and check the compaction. He’s the one who originally did the borings. One of the best in the state. He’ll be involved during our construction process to monitor that. We went down over fifty feet deep.

Chairperson Danzeisen asks what are you asking of us this evening.

Mr. Peck replies a consensus that we are on the right track and we can put this on the plan and go forward.

Mr. Dowd replies subject to your engineer looking at it, I have no problem with this. That’s what we discussed

Mr. Peck replies we documented what we discussed so going forward it meets all of those requirements.

Chairperson Danzeisen states as long as it meets with John’s approval, I don’t have a problem with it.

Member Escallier adds as long as it meets with the I Section and it does.

Mr. Pecks states the issue is that it’s not the I Section because the I Section is fifty feet. This was a plan that was done when they did the subdivision that unfortunately supersedes what that was.
Member Escallier states so that’s why you can’t go higher.

Mr. Peck states here’s a way that we can do that. It shrinks the building somewhat in terms of square footage. Because the floor before was a full floor now you’re losing the space, 9450 square feet and you’re doing that twice because of the height restriction. But we want to keep the personality of the pass through, that was the basis of the design when we started, and it’s a great design. We want to take that concept to the end and here’s a way of doing that. This is a mockup of the way it would look. The colors are patina green and stone. It’s a very nice match of coloring; it’s going to be a pretty looking building.

**MOTION** was made by Member Klare for the conceptual approval in accordance with the guidelines of the property development area, seconded by Member Stanise. All in favor.

Mr. Peck adds we have a limitation to when we can cut trees. We can only cut them from November through March. Because of the bats.

Chairperson Danzeisen states this is a conceptual approval only. Until we get the drawings that you are going to get. So there is no tree cutting.

Mr. Peck asks do we have your okay subject to the Army Corp.

Chairperson Danzeisen states not until the Army Corp gives their okay and you come back, then we will give it to you. But not now.

**VILLAGE VIEW**

101-1-1.3

**EXTENSION OF PRELIMINARY SUBDIVISION APPROVAL**

Mr. Dowd states as you know the sordid history of what has transpired in the Town of Monroe lame duck Superintendent of Highways right now. I think that you have a copy of the court’s decision that Mr. Sweeney provided. Essentially he put on an Article 78 against the Highway Superintendent to overturn his denial of the permit. Apparently, from what I can gather, from what Mr. Sweeney said and the court said, the highway Superintendent did not make an appearance again, or raise any objections or did not bother to answer, did not have an attorney, or anything. The town did not object, so after a period of time the judge basically said he defaults. I order you Mr. Superintendent to vacate your denial and order you to sign a highway/driveway permit. This hasn’t been done yet. And after January 1st he will not be able to because he won’t be the superintendent anymore. So I asked Mr. Sweeney if he was going to appear tonight and he said no because there was no reason for him to come until such a time when I have a permit in my hand. I’m not so sure when or how I’m going to get that permit if he doesn’t sign it. It’s basically a six month extension on the preliminary, as you’ve done before; it’s out of the applicant’s control. He (the Town of Monroe Superintendent) was held in contempt because he said that he didn’t have the application. They gave him the application and it was denied, no explanation, just denied. So the Article 78 was started at the denial, then he hasn’t responded to the papers. So now he’s a lame duck so we’ll have to see if he signs the permit before January 1st. Because I suppose it would be the new Superintendent to carry out the court order. That person is not part of the lawsuit. It could be going on For a while. So in the meantime, you could extend this for six months.
MOTION was made by Member Escallier to grant a six month extension to Village View, seconded by Member Klare. All in favor.

Chairperson Danzeisen asks you will inform them?

Mr. Dowd responds yes.

MONROE JOINT FIRE DISTRICT

Mr. Dowd replies as you know the fire district wants to build a new fire house. Generally speaking I think that the Village is in favor of building a new firehouse. The notice that you received from the Fire District says that you are an interested agency along with the Village Board and we are going to move ahead and we, the Board of Fire Commissioner, are going to be the lead agency are not going to provide anything to you, we are just going to approve it and build it. I had a conversation with the Mayor about what the law says about entities with competing issues and you saw the letter from the Mayor to the attorneys asking about being considered an involved agency. Generally speaking Fire Districts do not have to appear before Planning Boards for planning board approval. However in situations that I’ve been in they have come to the Planning Board as a courtesy, first to let you know what they’re doing and also to get your input. There may be something that their engineers don’t see that either you or the Village engineer may see. I think that was the purpose of the letter that the Mayor wrote to the attorneys of the fire district. If you wish we could send a letter to them asking them to submit plans to you, if for nothing else a courtesy to you. And to allow you to review them and comment on them without taking an adversary position that you must approve them because I think knowing these attorneys, who represent multiple fire districts, take the position that they do not need your approval.

Chairperson Danzeisen states it’s a good idea to ask them as a courtesy.

Mr. Dowd replies I will draft a letter for you to sign. They want to have an answer by December 29th. It’s a courtesy if nothing else, it’s happening in your community. Your planners, your engineers, your Planning Board attorney, they should be able to look at it and voice their comments.

Chairperson Danzeisen asks what size was that water main that ran across that

Mr. Hagopian replies a spaghetti line. That’s my concern. That feeds four or five of us down there. My two buildings, the building next door, Midas, Life Science, five of them on that side of the road. They were going to run a hydrant on the corner of my site and have spaghetti lines up from that point.

Chairperson Danzeisen replies I remember that conversation when we were working on that other place. That was a big concern then.

Chairperson Danzeisen replies I wonder if they’re aware of that.

Mr. Dowd replies it is my understanding that the firetrucks will not be in this building anymore. I think that give the Village more room.

MOTION was made by Member Klare to adopt the 2016 Planning Board Meeting calendar, seconded by Member Escallier. All in favor.
Chairperson Danzeisen states I see there are notices in here regarding escrow account notices. Have these people all been notified?

Ms. Singer replies yes.

There being no further business, MOTION was made by Member Stanise to adjourn the Regular Planning Board meeting at 8:00pm. Seconded by Member Quinones. All in favor.

Respectfully Submitted:  

Barbara Singer, Recording Secretary