

VILLAGE OF HARRIMAN PLANNING BOARD MEETING

**Regular Meeting
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Chairperson Don Danzeisen opened the Village of Harriman Regular Meeting of February 29, 2016 at 7:30pm.

ROLL CALL:

Present:

Board Members: Chairman Don Danzeisen; Members, Ron Klare, Juan Quinones, Martin Stanise, Kevin Dowd, Attorney, John Russo, Engineer, John Hager, Building Inspector and Barbara Singer Recording Secretary.

Absent: Member Irma Escallier, Alternate Jennifer Phillips-Carrillo.

APPROVAL OF MINUTES:

Motion was made by Member Stanise to approve the December 21, 2015 Regular Minutes seconded by Member Klare. All in favor.

SUPERIOR PACK

102-2-5.12

Final Site Plan Approval

Present: John Loch, Engineer.

Mr. Loch states when we were last before the Board the applicant was still making certain decisions in respect to what they wanted to do with loading docks, they took in to account the comments they received from the Board and we resubmitted. Essentially what we are doing is expanding the number of loading docks on one side of the building, it is the same side where all of the other docks are and we are putting a small platform area outside that we intend to cover with a roof. I have received a copy of your engineer's comments, would you like to go through them one at a time or do you want me to talk to your engineer about them?

Mr. Dowd replies Mr. Chairman they appeared here back in September of last year with this new or amended application. When we last left them in 2014 we had given them a conditional final approval to operate and what the conditions were the maintenance agreements with the Village, and they finally ended up doing that. In the interim they came back asking for an amendment to allow three loading docks. Have you ever filed an application for the amendment?

Mr. Loch replies I don't know if the applicant did or not.

Mr. Dowd states on September 21, 2015 you were here with John Furst, the attorney, and we said that you needed to fill out a new application for an amended site plan even though the final approval had not been finalized at that particular point. There should be an application for an amended site plan to allow these three loading docks be put on the site plan and then we can address the issues that John had raised and that you were trying to address as well and hopefully we can wrap this all up. This has been going on for quite a while and I know that they had a hard time with the maintenance agreement for the storm water management, they finally got that done and that was one of the conditions of the approval along with paying the fees so in essence Mr. Chairman, you could sign their site plan that was approved back in 2014 and this would be an amendment to the site plan that we are now processing. Or we can look at this as an amendment of the conditional final and modify the application and try to get it all under the same umbrella.

Chairman Danzeisen states just so there is no mistake with my signature on a set of plans from 2014 and they get misconstrued as 2016 we'll need an application to amend the conditional final. This way there will be one paperwork trail.

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Mr. Dowd adds they should also amend the application. I don't know if there will need to be another hearing on this amendment.

Chairman Danzeisen replies let's get the amended plan in here and when we see everything on paper at that point and time we will make a decision if we have to have another Public Hearing.

Mr. Loch replies so procedurally just so that I have this straight, the 2014 has met the conditions for that to be signed.

Mr. Russo states it's the 2013 plan based upon the revisions.

Mr. Dowd adds it was April 2013, but those conditions hadn't been able to get the maintenance agreement and then you came back in September 2015 and then you added the three loading docks.

Mr. Loch responds basically the plan that was approved they have never really met the conditions on that so that will never be signed. We can do an amended application; we go to one set of plans that ends up being signed. It is probably in your best interest to do it this way.

Mr. Dowd adds my notes from September 21, 2015 say that you were going to file an amended application to provide for these three loading docks.

Mr. Loch replies I will make my client aware of that along with their counsel.

Mr. Russo states in the meantime I have comments on the plans. The first comment I have has to do with truck traffic. Back in September 2012 in the correspondence with their legal counsel, it was noted that they would accommodate between five and twelve trucks per day and now with the three additional loading bays that are going in.

Mr. Loch replies they do not anticipate increasing the number of trucks per day. What they want to avoid is loading trucks at night. So they want more loading docks so they can put a truck in the loading dock and load it. It's a matter of the rate that they can pack things, move it and ship it. They're finding they need more spots to put trucks so they can load. They do not anticipate any increase in the traffic to the site. They want to avoid noise issues with the neighbors so they want to have it where the loading gets done during the day. They want to eliminate loading trucks in the evening shift.

Mr. Russo continues they are now showing a platform in the most southern bay and that platform John you have said that it will be the height of the building.

Mr. Loch replies it is the floor height of the building which is the same height of the other loading docks.

Mr. Russo asks how high above is this cover going to be over the platform.

Mr. Loch answers they indicated that the interior dimension of it from the bottom was going to be 12 foot and they were having their architect tell me what the thickness of whatever structure they put up was going to be.

Mr. Russo asks are you going to have any visual rendering that we can look at.

Mr. Loch replies I can tell them that you would like to see that. They said they will talk to the architect and get back to me on it.

Mr. Russo asks will any materials be stored on the platform.

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Mr. Loch replies yes, one of the things that they want to put on the platform is empty pallets. It is simply a matter of wanting to put them there so they have them all in one spot, not accumulating around in the corners of the facility so that when they are ready to load out pallets they can just grab them from there and load them and get them out. Right now one of the things that they are having happen is they have empty pallets distributed around the facility a little bit in the interior and it takes some time to load them out. They just want to be able to get them in one spot and load them out.

Mr. Dowd asks can't they consolidate them in the interior.

Mr. Russo adds the zone does not allow for outdoor storage. It does if you build walls.

Chairman Danzeisen adds if you do that then you are going to get into an exterior sprinkler system on the wood pallets because it would be in violation of the fire code.

Mr. Dowd asks do they have an interior sprinkler system now.

Mr. Loch states I don't recall an interior sprinkler system.

Mr. Russo adds you'll have to discuss what they want to do; the zone doesn't allow outdoor storage. Under the I zone storage of building supplies, raw materials, fuels, finished products, machines, only when screened by solid wall or fence of a uniform color at least eight feet in height, and that requires a special permitted use.

Mr. Dowd adds that would require a Public Hearing.

Mr. Russo adds I understand their intent. I think the best bet is changing their plans because when you screen it you still have to get a special permit.

Mr. Loch replies we will look into the feasibility of screening it in or changing what their plan is.

Mr. Russo states the next comment that I have has to do with the roof liter where you're putting the three new loading docks, you've noted on the one plan that the roof leader is to be relocated and I'm asking that you show where it's being relocated to and drain to. And the last that I'm asking for is more or less a time schedule as to when all of the work and site improvements are going to be completed. Because this has been going on for so long we would like to have an idea when these things are going to be completed. Some of the stuff they have been working on, if it's done then note it as completed on the schedule.

Mr. Loch replies the largest item that I am aware of is the drainage facilities; I did discuss that with my clients this afternoon. We are finding wide varieties in terms of pricing, trying to get this done, either way it's a very expensive item. And we're still shopping. I realize that's not the answer that you're looking for, but we have to get them to a time frame.

Mr. Russo adds I think that by the time the next meeting comes you'll have that.

Mr. Dowd adds as well as a decision of what you would like to do with the pallets. Also look in to the sprinkler system. We have a new Building Inspector and he can answer any questions that you may have.

Mr. Loch replies I think I will meet with their architect and discuss how exactly this facility will work and the features that they have in mind. I have met Mr. Hager several times and I think you're going to enjoy having him here.

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**PL GROUP INC
108-1-11
REVISED SITE PLAN**

Present: Allen Peck, Owner, George Sewitt

Mr. Peck begins we have very productive meetings and where we are today is because of those meetings. We have an amazing project and a beautiful building. We brought an architect on board to make sure that we have the measurements solidified for the thirty-five foot height.

Chairman Danzeisen asks you are in receipt of John's letter. Do you want to go through these or do you want to continue to work with John?

Mr. Sewitt replies basically because of that stuff from 1989-1990 that we discovered there were a lot of issues that we didn't know existed. Once we knew that they existed they had to be addressed. We had some really good meetings with your lawyer and engineer to zero in on everything so we wouldn't take up the Board's time and we could really focus on that. I think we took care of everything. We can go over this if you want because the intention we are hoping is to get a conditional final this evening. I think we have pretty much, unless you have something that we're not aware of, addressed all of the issues that you're talking about. I think the only outstanding issues are bonding issues and numbers and we are obviously going to do all of that.

Mr. Russo states I would like to go through all of this. They did receive their approval from Army Corp for the disturbance of the wetlands with that the Army Corp has certain requirements or conditions set forth in the permit. One of them being the trees that are being cleared on the site can only occur between November 1 and March 31 because of the bats. The applicant has more or less addressed all of our comments the only thing that is outstanding is putting up the escrow requirements with the Village. I would like to get the Board to grant the applicant the ability to clear the trees. Just cutting the trees down, no soil disturbance can occur. They do have to meet their SWPPP which requires that they file the Notice of Intent with the DEC, Mr. Peck has already done that today. They have a fourteen day waiting period before they can actually start any physical work as far as disturbance of soils on the site. It's very easy to take a chainsaw out there and drop the trees.

Mr. Peck states in the Army Corp requirements you can't just drop a tree. They want us to put the silt fence in and then they want us to put the orange fence in. We'll have to do that but we're not digging up anything. The way the silt fence is put in is they have a wheel on the end of an excavator and they make a groove in to the ground so you don't have a couple of people with a pick and shovel making a mess. And then you put the silt fencing into the groove. It has to go in eight inches, it's very specific. I want to follow what the Army Corp requires in our approval exactly. We are going to have it surveyed, do it and then have it surveyed again to confirm that it is where it's supposed to go.

Chairman Danzeisen asks is this going to be all done by March 31.

Mr. Peck replies yes and also we can't take anything off the site so when we cut the trees they have to be ground up into saw dust, there, because you can't take it off the site. And then they have a machine that sits over the stump and grinds it down three feet into the ground. So it's gone and you're not disturbing anything.

Mr. Russo asks where does it say that you can't take the trees off the site

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Mr. Peck replies it's because of a bug that lives in the Ash trees and they don't want it to go any place. I got that information from Kenny Keltie, the wetlands specialist. He's going to be here tomorrow monitoring everything so we don't make any mistakes.

Member Stanise asks if the sawdust is ok.

Mr. Peck replies yes but it has to stay where it was. We can't move anything and I'm not. I'm going to follow the regs exactly and because I don't know everything I have experts that do and they are going to monitor everything and make sure it's perfect.

Mr. Dowd adds the only clause or condition is probably a deed restriction or conservation easement.

Mr. Peck states that this was done.

Mr. Dowd replies you've already submitted to the Army Corp for approval, so our approval will be contingent upon the Army Corp accepting that document and recording it with the County Clerk's office.

Mr. Peck adds it has to be recorded one year after the work is done. So what we did was have the title company create the document, sent it to the Army Corp for their signoff and upon their signoff I'll go file it. It has to be within one year after the work was done but it doesn't say that you can't file it before.

Mr. Russo adds it says one year following the initial planting seeding of the mitigation sites.

Mr. Peck responds we are going to do that right away. We are going to do the trees first, I mentioned to the Building Inspector, we are going to do this in three phases. First the trees, then the site and the foundation and then another permit for the building.

Mr. Russo states the Storm Water Pollution Prevention Plan that they prepared meets the requirements of the DEC. Alan has already filed a notice of intent previously. After the fourteen day waiting period they can start working at the site as long as all of your erosion and sediment control is in place.

Mr. Peck replies we are doing that before the trees.

Mr. Russo adds just make sure you don't drop the trees on top of it so you have to fix it. That's usually the common thing that happens. As Allan and George had alluded to before they have provided a response document how they have addressed all of the ICC conditions that were set forth in the development of that subdivision. A significant number of them were not applicable to this project but anything that was they did address. One of them being the height of the building, 35 feet, and on the plan they have before you there's a table that show what the height is at each of the corners of the building and what the average building height is, which was done in accordance with the Village's code. Kevin's already spoken about the easement and the deed restriction requirement. Another condition is set forth in the Army Corp permit as special condition E is that there are to be annual reports submitted to Army Corp and those reports should also be submitted to the Village.

Mr. Pecks add there's also a five year monitoring of the mitigation area. So the plants have to be monitored, that they are in good health. We're going to be putting in a watering system that's going to connect up with the cistern and automatically have a drip into all of the plants so they won't be starving for water.

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Mr. Russo adds basically any reports that you are reporting to the Army Corp, should be submitted to the Building Inspector so that he can follow up with it as things are going on. Then you'll have a file so if anyone wants to come in and see the progress. The next is under Section 140-67B2 the applicant shall deposit with the Village Clerk funds to be utilized for reimbursement to the Village for the cost of professional consultants' inspections. Basically they need to establish an escrow of 6% of the total cost of the site improvements and then they also have to put up the performance bond or another form of surety acceptable to the Village with regards to the Storm Water Management practices to be deployed on site. They also need you to put up a letter of credit or surety to ensure the proper operations maintenance and inspection of the proposed storm water management facility to be constructed on site.

Chairman Danzeisen states they are all going to be conditions of the final approval.

Mr. Russo adds we have asked their engineer to prepare estimates for everything.

Mr. Peck adds we have a preliminary estimate already submitted.

Mr. Russo states the other thing is on the inspections, when they're done on the storm water facility, once it's operational and functioning, there are requirements in regards to the inspection of that. Those reports should be submitted to the Building Inspector also. Once you have whomever does the inspections, those reports should also be submitted up here to the Village, along with any work that may have been done, whether it cleaned, that should all be part of the report. That's all that I have, everything else, like Allan said, we have worked through.

Mr. Dowd responds what we normally do is prepare a resolution that will contain all of the conditions, as outlined by John, and that will be given to the applicant, the Board, John, and be on file. We can close out SEQR since the Army Corp responded and we didn't meet in January.

MOTION was made by Member Klare to issue a negative declaration under SEQR, seconded by Member Stanise. All in favor.

MOTION was made for a resolution to issue a conditional final site plan approval, those conditions being contained in John's letter of February 24, 2016, and also the right of the applicant to cut the trees down before March 31, 2016 specifically because of the issue with the bats by Member Stanise, seconded by Member Klare. All in favor.

Mr. Russo adds when it comes to the review of the plans when it comes time for the submission of the plans to the Building Department, they are going to be using an outside source to review those plans given the size and the specialty of that building. John you had gotten an estimate of about \$5000.00? That would be for Code compliance and structural compliance for the building itself. Can we work that into the resolution? That really won't come about until such time as they actually file the building permit application. I don't want to hold up the signing of the plans I just want to make it known.

John Hager responds I think that \$5000.00 in escrow would more than cover any expenses.

Mr. Peck replies I spoke with the Building Inspector and explained I would do it in three sections. The trees first, then the structure of the foundation and then steel. The third and final is the erector set. While we are pouring concrete for the foundation the engineers are doing the design work.

Mr. Russo asks the only sign that I recall is the sign on the building, is that correct.

Mr. Peck replies yes, we changed the color from yellow to patina green, to match the roof.

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MOTION was made by Member Stanise to grant a conditional site plan approval for PL Group / Add Storage as per Mr. Dowd's resolution. Seconded by Member Klare. All in favor.

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

Respectfully Submitted:



Barbara Singer, Recording Secretary