Chairperson Don Danzeisen opened the Village of Harriman Regular Meeting of April 18, 2016 at 7:30 pm.

ROLL CALL:

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


MOTION was made by Member Klare to approve February 29, 2016 Regular Minutes
SECOND was made by Member Stanise.

AYE: Chairman Danzeisen
Member Quinones
Member Klare
Member Stanise

NAY: -0-

ABSTAIN: Member Escallier

17 North Main Street
102-4-8
Site Plan Approval

Present: William Youngblood, Engineer, Sparaco & Youngblood PLLC, Ms. Basha, owner.

Mr. Youngblood states we are the design professionals for the new proposed ice cream shop which is at the former Sand Dollar. I provided a summary, which has a typographical error which I take full responsibility for; the hours of operation are 10am to 9pm not 10am to 9am. I have received a copy of Mr. Russo’s comment letter and I can go through it one by one. I think for the most part they are very minor in nature. The first one he brings the hours of operation to my attention, and I have addressed number one. Number two says it appears the entrances to the site are shown as one way in and one way out. The reason that we did that is because we don’t want to change the entrance, we don’t want to put any new curb cut in there, we want to utilize both accesses in and out so I felt since it didn’t meet what two way traffic would be, we will bring them in one way and exit the other way. We will put the appropriate signage in to direct the traffic for the ice cream shop to go in and out safely. The other thing was that there’s a single family residence that is on the property, it’s in a different zone, a residential zone and there’s an existing driveway that leads up along the east side of the property line, and accesses that house in the back. The thought was if when the resident for the house wanted to come in they would come in through the entrance, go through the parking lot, either way they would have to do that, and when they left they would exit straight down the driveway on to north Main Street. That seems like the best way for the flow to work. Then there’s the dumpster location. I want to talk to you about that John. Do you think that possibly if I took that dumpster and slid it towards north Main Street? Because you have that concern about it being five feet from the building of the proposed deck. I think that right now we have more parking then we need, we are required to have seven we have provided eleven, if we were to take one of those parking spots out and put the dumpster enclosure and pad right there, we would still have excess.

Mr. Russo responds the state code states that you have to be at least five feet away. Given the size of the dumpster with the rest of the fire code. But moving it, do you really want your patrons coming in and seeing the dumpster sitting right there in front.
Mr. Youngblood replies we have tried to hide it over there. If you look at the seating chart, most of the seating is going to be on the other side, that’s why we chose to put the dumpster over there. People don’t want to eat their ice cream cones with the dumpster right there, especially in the summer. My thought is that there really isn’t any other spot, so can I put the dumpster in the residential buffer.

Mr. Russo replies no because then it’s not a buffer. The only other thing would be to bring it forward.

Mr. Youngblood asks what if I was to bring it forward onto the paved walkway. I can show a dimension of five feet or greater. And maybe we could reduce the size of the dumpster. Is there something in the Code that specifies what the minimum size would be?

Mr. Russo replies bring it forward and slide it over as far as you can against the buffer. Make sure it shows five feet at least. As far as the size, I would refer to the Building Inspector at this time.

Mr. Hager the Fire Code, in reference to dumpsters, which have a capacity over one and half cubic yards. If the intention is to just use regular containers instead of dumpsters you may not have any issues there at all. Or if the enclosure is oversized and the dumpster can be located within the enclosure and still maintain the five feet, it’s just that when they empty it they are liable to put it back and make it close again. You may want to reduce the size of the enclosure.

Mr. Russo adds you may want to get a smaller dumpster and have two pickups instead of one.

Mr. Youngblood continues you are asking for a detail of the gate for the dumpster enclosure. That’s not a problem. I can take care of that. Number 5 you recommend parking bumpers to be provided for each of the parking stalls, I understand where you’re coming from but frankly I don’t care for them. I almost look at them as a tripping hazard because you’re going to have patrons coming in and out so maybe we could do something like what they have over at Quick Chek, they have the four foot high bollards.

Mr. Russo states I am looking for something to prevent the vehicles from crashing into your deck or rolling out into the road. Maybe you could do the bollard by the building and the wheel shops by the road.

Mr. Youngblood continues that makes sense. The sixth item was thought should be given to the removal of the pavement in front of the parking stalls in the vicinity of North Main Street and additional grass and vegetation to be removed. Right now what we do is we have the parking is not lined up with the existing pavement just because it’s kind of meanders away and I wanted the parking striping to be neat and tidy so if there’s a small amount of pavement that we could remove and put some grass of shrubs in there. Then you recommend that there be “No Parking” signs right by the end cap access, that’s no problem. I also designed a handicap ADA compliant ramp which will be on the east side, right where the new deck is going. Number 8 says a stripping detail should be provided for the proposed areas to receive stripping in front of the parking stalls adjacent to the building. Stripping detail, no problem, any particular size, color, I have the actual dimensions of the parking stalls.

Mr. Russo replies I’m just talking about the hatching that you have in front of the one deck, at the sidewalk area. Just to delineate that.

Mr. Youngblood replies finally the last one is the buffer strip along the westerly property line should be improved so as to conform with Section 140-18 of the Village Code. I had a look at that Code 140-18 and it talks about the B1 and the B2 district. There are certain amounts of plantings that they’re looking for, being in staggered rows and that sort of thing. Right now we have existing, mature pine trees and they are shown as deciduous and they’ve been there for years. My guess is that they were put there originally as a buffer strip. There’s an approved site plan from 1980 something that the Building Inspector was able to
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give me a copy of, so my guess is at that point they were asked for and that's the buffer between St. Anastasia's property and my client's property. So if you want us to add a few to fill in?

Mr. Russo adds I think so, just fill it in. The other question that comes into play, is it's all one parcel, you have residents in the back, commercial up front, and the property is split by the zone. Basically you may be required to include a twenty foot buffer in the back of the property along the zone line.

Mr. Youngblood asks in to the residential zone?

Mr. Russo replies between the house and the commercial. It's all on the same parcel. I don't know what the Board's opinion is on this. Who's living in the residence?

Mr. Youngblood replies I believe it's being rented by a family.

Mr. Russo states I would recommend that the buffer be put in. I would believe that they would want some privacy, that you do put the buffer in along the back.

Mr. Youngblood responds ok we can put some plantings in there as well.

Mr. Dowd adds the way the Code reads you're supposed to do that. Even though it's on the same lot, the Code indicates that there should be some kind of buffer between the R and the B1.

Mr. Russo adds you have to be careful because you have the water service. I would bring it over close to that, I know that you're not going to be able to bring it all the way across. Understandably, you have the driveway, utilities.

Mr. Dowd asks is there a slope that makes the house stand that much higher.

Mr. Youngblood replies the topography does go up as you get up towards the house. The house sits on a knoll. I didn't do all of the topography. I was more concerned with the B1 zone. We'll propose some trees that will look beautiful over there to buffer between the residential and commercial. So that was it for the comments, and in my opinion, there was nothing major. Really what we're looking for is a change of use. Right now we're going from retail to a food service. We are strictly doing ice cream; we're not doing any barbecues or anything like that. It's going to be a Mr. Cone type of thing, not soft serve but more of the ice cream that you scoop out. I think it's a nice project; we're making it ADA compliant, putting some nice paint on it, dress up the neighborhood. I believe that on a weekend it would bring people to the downtown area, kids coming from the ball field over there, I think it fits in real nicely over there. We're not proposing any additional pavement, we're trying to use what's existing over there. Except for the front deck, which is in a little bit of disrepair, which will be removed and a new deck will be put on the left hand side, I did do a seating chart and I did show that we are going to be proposing twenty-eight seats. On the seating chart I have eight seats on the inside and sixteen seats on the deck on the left hand side and then on the front. They are also proposing one picnic table which would be out on the lawn area which is on the right side of the building where it makes an ell. That's shown on the floor plan table. There will be no variances required, it is allowed by right in the B1 zone, and we were hoping that since it's just a change of use on an already approved site plan that this Board would have the abilities to waive the Public Hearing. One of the reasons that we're asking for that is ice cream season is coming and we would like to get started selling ice cream. It was almost 80 degrees today so I would just like to ask the Board if they would consider that so we could possibly try to expedite this.

Chairman Danzeisen asks any problem with the change of use.

Mr. Dowd replies it's a permitted use. I think the question is whether you want to hold a Public Hearing or not. The only thing that they seem to be adding is taking down an old deck and putting up a new deck. Since there's outdoor seating you may want to consider the Outdoor Café Law.
Mr. Youngblood replies I looked that over and correct me if I’m wrong, but I thought that was more designed if you were going to do seating out on the sidewalk and you had to make seats so that pedestrian traffic can still get by while people are sitting on the sidewalk and eating.

Mr. Russo states that also had to do with live entertainment. And that brings my next point, are you going to have music out there, speakers?

Member Escallier asks you mentioned drinks, are you talking about floats, alcoholic drinks?

Ms. Basha replies there will be no outside music and there will be coffee, shakes, maybe cappuccino. Nothing alcoholic.

Mr. Youngblood adds we think it’s a nice addition to the Village; it will bring people in on the weekends, to mill around and enjoy our Village. We’re very excited about this.

Chairman Danzeisen states if there is nothing to add from any of the Board members, Building Inspector, I would like to have someone make a motion to forego the Public Hearing.

**MOTION** was made by Member Klare to forego on a Public Hearing.

**SECOND** was made by Member Stanise.

- **AYE:** Chairman Danzeisen
- **NAY:** -0-
  - Member Escallier
  - Member Quinones
  - Member Klare
  - Member Stanise

Member Klare asks is there going to be a trash container outside for your patrons.

Mr. Youngblood replies that there will be a trash can by the outside deck at the bottom of the stairs.

Chairman Danzeisen adds I would imagine that you’ll be busing the outside tables?

Ms. Basha says yes.

Mr. Dowd states this may be within 500’ of Rt 17M which means, unfortunately, we will need to do a county referral. The 239m has to be filed with the county.

Ms. Singer replies I filed the 239m with the county on April 6.

Mr. Dowd replies then we may have to wait 30+ days. We can’t take action if the County hasn’t had the chance to act.

**MOTION** was made by Member Escallier to have Harriman Planning Board as Lead agency.

**SECOND** was made by Member Klare.

- **AYE:** Chairman Danzeisen
- **NAY:** -0-
  - Member Escallier
  - Member Quinones
  - Member Klare
  - Member Stanise
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MOTION was made by Member Quinones to an unlisted action and a negative declaration
SECOND was made by Member Escallier.

AYE: Chairman Danzeisen
     Member Escallier
     Member Quinones
     Member Klare
     Member Stanise

Mr. Youngblood asks is there any way within the next two weeks, if the GML goes through and everything is fine with that.

Mr. Dowd replies by the next meeting, May 16, we should have received the reply from the County, which will probably be local determination. You can use this time to finish the site plan.

Mr. Youngblood asks in the meantime so my client can continue doing some renovations, painting. Is there anything that they can do in the next couple of weeks before the next meeting to move things along?

Mr. Hager says that they can go ahead with the interior work, but as far as the exterior deck, the site plan review, I hesitate to issue a building permit on it unless the Planning Board is confident they are going to approve this. The old deck can be removed without the site plan approval.

Mr. Youngblood states I will have the applicant coordinate with the Building Inspector with what he's comfortable with and by next month we should be in good shape.

Estate of Arthur Kabinoff
102-2-3
Discussion

Present: Mr. Jacobowitz, Executor of the Arthur Kabinoff Estate

Mr. Jacobowitz states this has been before your Board previously for a motel and they got an extensive review then with the passage of time and the death of Mr. Kabinoff, nothing happened further. My job is to try to pay his bills, liquidate assets, and to distribute whatever remains to his existing heirs. The estate is land rich, cash poor. And so chasing approvals is something that there aren't a lot of resources for. Our intent will be if we get a buyer, the buyer is going to be the one who is going to come here and make the submissions and jump through the hoops that need to be jumped through. Why am I here without a specific proposal? There are a couple of issues that came up as I looked at the plan and I looked at your zoning law. And I did take the liberty of sending to Mr. Dowd and to Joe McKay, whose the attorney for the ZBA, some questions that I had after reading the zoning law, so as to try to get a clear picture of what we had to do to satisfy the Village of Harriman's requirements. The prior plan provided for forty-nine parking spaces, there was parking, here is the highway, and the parking was along the front of the building, between the building and the highway and subsequent to that you changed the zoning law in the Village and you have a prohibition to parking in front yards. As you can see from the lines on the map, we have the Ramapo River through the property and we have low areas and a few place with a little bit of wetlands so we really are constrained with the amount of available, usable space in order to try to accommodate a project on it.
Mr. Russo adds one thing that has to be taken in to account. On the notes it says that it takes in to account the mapping from FEMA from 1983, that’s all been redone. I actually think that flood way extends further into the property now.

Mr. Jacobowitz replies no I don’t think so because the Ramapo was dredged there significantly. How did you determine that this was the floodway? I was not aware that they changed their flood maps.

Mr. Russo explains that was the latest, it extends a lot further in then we were scaling off this and scaling those maps. It almost comes partway into that building now. This map is from FEMA. It is dated 2009.

Mr. Jacobowitz states since 2009 we had a big storm, Irene, and the result was the stream was significantly dredged. The banks were reestablished and so on. If that’s what FEMA shows on it then they’re wrong because conditions have changed dramatically. There have been changes since 2009.

Member Stanisie adds I can tell you what they did. They took all of the garbage that was in the stream out. They didn’t do anything to the sides or anything of that nature. It was strictly taking the branches that were there for the last thirty years. Not much more other than that.

Mr. Jacobowitz replies whatever the floodzone is, it is. We are not going to be able to change it so we will have to deal with it. Whatever it is there’s a piece of property left there and we have to do something with it if we can. So we will have to confirm all of that with whatever plan we come into see you about. The question that I have that wasn’t answered by what I read is, and I ran it past Kevin who has not answered it because he doesn’t give advice to the public, he gives it to you folks. What is the definition of off street parking? I don’t find one in your law and the second thing that I didn’t find is what is the parking standard in a B1 and B2 zone. Number of spaces per square feet? Employees? Whatever the standard is now. I may have missed it and if so I would appreciate it if you guys could flag it for me. So that leaves me up in the air a bit trying to calculate what I need. If the building was going to be 20,000 square feet, 10,000 on each of two floors, and it was going to be offices, we would need fifty parking spaces for 10,000 square feet of offices. If we do a mix in the building which seems to be the thing more people want, combine office and storage area and an area for operations. So if we did that and we had 25% of the building storage, 25% active operations of a business, we would need parking for that and I don’t know how to determine how much parking we would need on that assumption. Naturally if the person who comes in and says that he’s doing all offices, it’s an easy calculation. If he says he’s doing half office and half operational area then we don’t have the answer for you folks to how many spaces we need to provide here. In any event whatever the standard is we very may well not be able to meet it. Yes we can make the building smaller but at some point the economic viability of it is affected. What the market is going to want or not want we have to test and see but most everyone that has looked at the site is a commercial user talking about the 15-20,000 square foot space on two floors. The house was left in the plan that you had before, the house is going to be a knock down. That gives additional space here that’s good land for parking. But if you have a chance to look at the map this whole area right across the front there’s parking all along. The parking at the other end of the building but it is in a front yard as your front yard is defined. Here it is in the front yard between the building and the road. So really the question becomes assuming we need more spaces then we can get, and we can’t go in the front yard, we go to the ZBA for a variance for the number of spaces or they give us a variance to do something in the front yard, which we would ask for either one if we had to. What’s your Board’s feeling? Because to go through all of that and to have you guys and gals to say the parking is the parking and we want it and thank you Mr. ZBA but it’s not going to satisfy us. We will have gone through a long siege for no purpose. I’m not asking you to
shoot from the hip about it but I want you to be aware of the issue that we need to deal with. I assume that you want something here and I would assume you would want it to be commercial to add tax base, get rid of a house that's really in bad shape and do something along Main Street here that's going to be attractive because whatever the plan is you folks are going to want landscaping and have it look nice with the architecture of the building.

Chairperson Danzisen adds if the parking were under the building.

Mr. Russo adds depending what the firm map show and the consultants show, bringing your building forward on the property is going to get you out of the flood zone. Nothing says that the parking lot can't be in it, just the building.

Mr. Jacobowitz states that there is a setback though. So we can only move it up to where the set back is. That's not a lot.

Mr. Russo adds you might want to put some of the parking in the back or to the side and maybe the ZBA and the Board would be willing to accept that better than in the front.

Mr. Jacobowitz said we would definitely consider being able to do some parking in the rear of the building. Depending on what your standard is for the non-office.

Mr. Russo states the size of the space is 10 by 20. What occupancy are you considering?

Mr. Jacobowitz replies office would be upstairs and then downstairs would be storage and operations.

Mr. Russo asks what do you mean operations.

Mr. Jacobowitz replies whatever the merchandise is that's going to be there is going to need to be packed, unpacked, assembled. More in the nature of assembling. If you get something in bulk then you pack it and put in boxes, ship it out in smaller quantities. Or you get parts in and you assemble them and then you distribute your product.

Mr. Russo asks more like light processing then and that's a special permitted use.

Mr. Dowd replies in the past we have referred matter to the Zoning Board where they could not provide adequate parking. You had said in your letter to me that is was not defined in any way in the law but if you look at 140-33 which regards off street parking it does refer that you must provide parking upon the premises. The definition of off street is on premises and there's also a section 140-33B which allows you to park on another lot as long as you're a certain distance within the existing lot. It says that in a case of a B2 zone it's 400' and 800' in the case of industrial use. And that's distance from the premises. I don't know if you have any access to anything or if you can make arrangements with someone's property with an easement.

Mr. Russo state I think if it's operations as far as that I would be looking at truck traffic coming in and out and how many trucks you're going to have coming. The other thing would be the number of employees. Do you have any overlapping shifts?

Mr. Hager adds look at 140-34, letter D mentions that if it's not a listed use specifically in column 9 it mentions that it would be interpreted by the Planning Board.
Mr. Dowd states first we have to classify the use on the bottom. We know that the top is all office.

Mr. Jacobowitz states I don't know what it's going to be. I wish I did. I'm talking generically, just to get the possibilities that would work there based on the people who have come to look at the property and what they say they are looking to find. Whoever comes in is going to have to be very specific. There is one other thing that I would like to mention while I'm here; the property comes over like an arrow head. The Village owns property right here (Mr. Jacobowitz points to a map), and there is a wetland and we have a piece of wetland here, and there's been some discussion about transferring this corner to the Village. For us it's just space, it's wetland, we're never going to build on it, but also in this area, it's going to be enhanced because of the automobile dealership, Mercedes, are going to enhance this wetland here as part of all of their approvals. They've talked to the Mayor and the Village about it and this triangle becomes somewhat important because it provides an access that's a better access to get in and do the work here. We have been asked about doing that and we have indicated that we would do it, whether we need sub division approval for that because it would become part of the adjoining piece, I don't know. But whatever that is we need to show that on the map with you folks, but that is happening over here in this corner.

Mr. Russo responds looking at the closest use would be in the I zone which is manufacturing use, warehouses and research and industrial offices. Basically you have to know what's going on because it says two per three employees of the two largest successive shifts.

Mr. Jacobowitz replies employee number is an interesting one because my business is doing great I have twenty employees, next week my competitor undercut me and I have ten employees. The offices are one space for every 250 square feet, so that's suggestive, everyone can calculate that. The other one is problematic. If your advisors all tell you that you have the discretion on it, okay, then we have to satisfy you, and that will be fine.

Mr. Dowd adds that it is one space for every 200 square feet, not 250.

Mr. Jacobowitz replies yes that's what I had written down, it is 200 square feet. That's my speech, I hope that you're going to see somebody come here about this property with a plan and we will try to have addressed some of these issues before they come here because we don't want them to waste their time or tying up the property chasing something that they'll never get. I have to liquidate it and do my job. Any questions that you want to ask me now? Any comments?

Mr. Dowd replies I think that the way that it's written you really need something specific, a plan with an operation. We have no way of calculating anything without knowing what it is.

Mr. Russo states it's up to the interpretation of the Planning Board.

Harriman Auto Glass
103-6-1
Site Plan Approval

Present: Mark Siemers, Engineer, Pietrzak & Pfau.

Mr. Siemers states this is the first appearance of this project in front of the Board, we submitted an application, short form EAF and sketch plans just to show our proposal to the Board. The parcel that the project is located on is a wooded piece of land right down here at the end of Church St on 17M. The
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parcel land is a little under a half acre in size, it is located next to the Enterprise car rental and the Harriman Woods housing development. It is located in the B2 zoning district and is adjacent to a residential RM zone so we will be required to provide a twenty foot landscape buffer in accordance with your zoning code. It also adjoins the Town of Monroe to the southwest which we have also proposed the twenty foot landscape buffer along.

Mr. Dowd replies I have some initial questions for you. On your application it says name of applicant Tri Star Management, record owner Eric and Karen Mueller. On the plan it says record owner Meadow Hill LLC.

Mr. Siemers replies that was a typo, we actually changed that. We changed the record owner and the record applicant on the plan.

Mr. Dowd replies I only have this one. Also on the owner's endorsement you say Eric and Karen Mueller appointing John Sorrentino, not Tri Star Management.

Mr. Siemers replies he would be signing for Tri Star Management.

Mr. Dowd replies we need to be somewhat consistent here because then on the EAF you have Tri Star Management but yet they are appointing John Sorrentino. He may be Tri Star Management but to the untrained eye we don't know who he is. We need to know either the applicant is Tri Star Management or John Sorrentino; the endorsement has to match, who they are authorizing to speak for them and their property has to be either Tri Star Management or John Sorrentino, it has to be consistent with who the applicant is.

Mr. Russo adds you could say that the representative for Tri Star Management is John Sorrentino.

Mr. Siemers asks how do you usually handle it when a corporation signs for an application. Do you put a title at the end?

Mr. Dowd explains you can have the owner's endorsement say we appoint Tri Star Management by John Sorrentino to represent us. That would be fine. Or you could nominate John Sorrentino and then John Sorrentino becomes the applicant. I just want to clarify that. The other thing would be on the record plans you change the name of the owner, so isn't that Eric and Karen Mueller?

Mr. Siemers replies yes it's Eric and Karen Muller. We didn't feel that it was necessary to replace the sketch plans since it was very early on in the process and it's just a sketch.

Mr. Dowd replies right in the very beginning let's start with the right people and the right names so there's no confusion as we go further.

Chairperson Danzeisen replies that way when you fill out the SEQRA documents you have everything right on them.

Mr. Siemers replies we can revise these applications and short forms to clarify. We are located in the B2 zoning district the parcel is a little under half an acre, the proposed project consists of a construction of a 2160 square foot auto repair garage including an office, three garage bays and the associated parking as we show on the plan. The building will be served by the connections to the central water and the central sewer. Repair garages are allowable use in the B2 zone district as special permitted use, subject to authorization of the site plan approval of the Planning Board. Issuance of this permit would fit with the
area. We’re located directly next to an Enterprise Rental Car and also two parcels down is the gas station which also falls under the same zoning requirements with the special use permit. It is anticipated that the building will include four employees and we have provided parking calculations on the site plan. Your parking regulations require five spaces plus one space per employee and then we have the addition of the one space per 200 square foot office and we are required to provide twelve spaces and we are currently providing sixteen spaces on the plan. And the plan is conceptual in nature at this time and we wanted to bring the plan in front of the Board and present it and answer any questions that you may have, and I have received John’s comment letter if you would like to go through that. Just so that we can get a feel for the project before we go forward.

Mr. Dowd asks is Harriman Auto Glass the name of the owner of the business. Is that Tri Star Management, or John Sorrentino?

Mr. Siemers replies Harriman Auto Glass and I believe that is a third party. John Sorrentino is proposing the project and he has a client which is Harriman Auto Glass to fill the building at this time.

Mr. Dowd replies so John Sorrentino is Tri Star but he’s not Harriman Auto Glass.

Mr. Siemers replies it is my understanding that Tri Star Management would own it but I will clarify that for you.

Mr. Russo asks Tri Star Management is going to purchase this property from Eric and Karen Mueller. And rent it to Harriman Auto Glass.

Mr. Siemers replies yes that’s my understanding.

Mr. Russo states this will need a 239m referral to the County. I would also recommend that a copy be submitted to the Town of Monroe because it is on the municipal boundary.

Mr. Siemers asks is it being submitted to them for informational purposes only. As they don’t have any approval to issue. And who would it be submitted to, the Town Board or the Town Planning Board?

Mr. Dowd replies I would send it to the Town Clerk. They would probably be doing a Public Hearing on this so it would also need to go to the Town Clerk.

Mr. Russo adds the project will need DOT approval for the entrance, for the utilities, OC Sewer District approval for the sewer connection. I was asking for a summary of the details of the work to be performed at the facility. I wasn’t sure on the submission what was actually going to occur. Harriman Auto Glass I’m thinking glass replacement, so I don’t know if it’s going to be motor repairs. Are there going to be hazardous wastes, where will waste products be stored.

Mr. Siemers replies I will create an area for you to clear this up. However I believe at this time it’s strictly auto glass repair, but given that we are going for the approval of a repair station which is allowable in the Code I think we should look at it as an overall auto body garage repair.

Mr. Russo states that is up to you and your applicant as to how you want to approach it. But there are other things that become involved. If you go in that direction you have hazardous waste, waste oils, tires, storage so where is all of this material going to be handled. It can’t be put outside.

Mr. Dowd states we have issues with Tri Star Management on another site plan, getting compliance, coming to the Planning Board.
Mr. Russo adds they’re still not in compliance.

Mr. Siemers replies any body work is prohibited but the auto repair is permitted.

Mr. Russo states the floor plan should be adjusted to show the bathroom facility. I don’t know if you’re going to have any break rooms. I’m sure that’s not all office area that’s going in there. Where would the storage be? And what material would you have in there. You’re going to need to show the sight distances along the site entrance there. All utilities, water, sewer, gas, where you’re going to run that. The details for the utilities. We like to see turning radii; more or less show the vehicles on the plan coming out of those bays trying to turn around. It’s an extremely tight turn around the corners there, one of the recommendations that I have is move the dumpster towards Route 17M and eliminate that space and that may help the traffic flow around that front corner. You’re just hooking that building, depending on the size of the vehicle if they have a mid-sized truck you may not be able to make those turns. We definitely want to see turning movements on all different types of vehicles on that around that building. It’s one thing to drive straight in but to make those turn coming out trying to make it around the building, you may wind up moving that building up closer to Route 17M just to give yourself a little space without impacting the buffer.

Member Escallier adds we would need to see entrances if you’re going to have an entrance in the front area of the office, in the rear, and specifics on the parking, 10 x 20, what are the dimensions?

Mr. Russo adds are you going to have grading on the site. Floor elevations, pre and post drainage. I know that you’re proposing storm water management area, you’re going to need a drainage analysis to show what you’re doing.

Mr. Siemers adds I just want to talk to you about this and maybe this is something we have to work out. I was reviewing the plan and the Code before I came tonight and based on my analysis of the Code the pre and post on a site of this size would not be required. Obviously we would put in erosion control during construction but it’s my understanding that this doesn’t fall under the definition of land activity in the Village Code. So I don’t believe pre and post storm water analysis are needed.

Mr. Russo asks what’s on the site now.

Mr. Siemers replies woods.

Mr. Russo states and you are going to significant amount of impervious so under SEQRA we could say that is an impact. You’re greatly increasing the runoff.

Mr. Siemers replies we have shown the areas that we plan on doing it but I just wanted to clarify that under the Code we aren’t required to do it so I wanted to see how you felt on that.

Mr. Russo states but under SEQRA we can take a look at that and say that you’re going from a wooded area to making a lot of this impervious, that’s a significant increase. Erosion and sediment control measures and the details, the plans should show the location of any signs that may be proposed for the site, along with the details, size, lettering, whether it’s going to be illuminated or not and how. Any site lighting that’s proposed and the photo metrics of that lighting, landscaping plan, especially for the buffer, dumpster enclosure, should be provided around the dumpster this way you don’t have trash debris blowing around. Clearly show whether the parking lot would be curbed, curb stops, maybe curbing around the entrance. They may want infiltration swales on the edge of the parking lot to help with water quality, bringing it down to whatever they’re going to do
Member Escallier asks what percentage of the wooded area would be taken out. Is it 100% of the trees? 80%?

Mr. Siemers replies that would depend on the landscape buffer. If we are able to maintain the vegetation that is existing in the buffer now, less amount of the trees would be removed. If we have to do the double row of evergreens as is required in the Code, then more of the trees on the site would have to be removed. So I can't really give you a percentage at this point, I guess that would be a discussion moving forward.

Chairperson Danzeisen asks what action type for SEQRA.

Mr. Dowd replies unlisted action, but we need more detail. This is just a sketch plan. We're not going to do anything until they show much more defined plans and I don't think that we're going to start the SEQRA process right now. We have to coordinate with the State and the County.

Mr. Siemers replies a lot of the comments are design comments. I just wanted to come in and make sure that you weren't kicking us out the door, that the Board was receptive to the proposal.

Mr. Russo responds the Board is always receptive to anything that meets the Code.

Mr. Hager states the bulk table indicates that you're slightly under the minimum width.

Mr. Siemers replies yes that is an existing condition, how would the Board like to handle that?

Mr. Russo states under Code 140-11 paragraph A, Existing lots. Nothing shall prohibit the use of a lot of less that the prescribed area or width when such is owned individually and separate from any adjoining tract at the time of enactment of this chapter, provided that all other provisions of this chapter are met. Basically, put an asterisk next to that and note that it's pre-existing non-conforming.

Mr. Dowd asks are you familiar with the other Tri Star Management property.

Mr. Siemers replies I was here a couple of times and then another person from my office took over. I know we got the approval and I know that they constructed the slope and they have the erosion control on it. It appears that there are some issues that I'm not aware about.

Member Klare replies they cleared the trees and they piled them up in the back. They didn't take the trees away.

Member Escallier replies the main issue was that they were digging without a permit.

Mr. Russo replies that's what originally started it. He's talking about now.

Mr. Siemers asks are there new issues now.

Mr. Russo replies they were issued a letter, they didn't build the required number of parking stalls, they paved through one area so that it's actually a drive through instead of a parking stall.
Chairperson Danzeisen replies when they come down Rte 17 from Monroe instead of coming down and going into the entrance that they should be going in, they just cut across the grass on 17 and swing up in around back. As a matter of fact a couple of times they even parked cars right there. I’m just waiting the State Police to come along and throw a hook on a couple of them. Because they are parking in a NYS right of way which is illegal.

Mr. Russo states they have to reappear before this Board. I told them that they have to amend the site plan if they aren’t going to amend the site.

Mr. Siemens replies I do know that an as built was completed and provided to the client but I don’t know what’s happened since then.

Mr. Russo replies that was what the Village had gotten, and that I took out there and reviewed.

Mr. Hager replies the engineer’s letter was conveyed to the applicant and the applicant’s contractor came in and indicated that he preferred to approach the Board to amend the site plan rather than amending the site to match the approved site plan but he hasn’t made that formal application yet.

Mr. Dowd states now we have the same applicant coming forward with a new project and while we’re not going to say that we are not going to process that being proper but we certainly have issues with past history.

Chairperson Danzeisen states we would have every right to refuse to hear it.

Mr. Siemens replies I will pass that message along to them.

Chairperson Danzeisen states that completes the agenda for this evening. Do we have any housekeeping? John, you wanted to talk to us, correct?

Mr. Hager replies if the Board has some time for me, then yes I would. (a memo is distributed to all members, John Russo, engineer, Kevin Dowd, attorney). Basically what my motivation is, from what I have been able to gather so far, from going through records and hearing about my predecessor, and not just him but predecessors before him. From what I’m finding is that I think that the previous Building Inspector or Inspectors routinely referred applicants who had an interest in taking existing commercial space and maybe it had been vacant for a while and reoccupying it. I found these permits that were issued for a new certificate of occupancy upon change of tenancy. I don’t see anything in our Codes that specifically says that that’s required. There’s nothing in the state Building Codes that says the change in tenancy, the language they use is a change of occupancy. A change in occupancy more or less being a change in use. I don’t really understand why they were requiring people to file for a permit and get an inspection when there’s a change in tenancy. Maybe it was a policy, but I don’t see where in the Code that supported it. But also even when there is clearly a change in occupancy, in some of these existing properties where you have established business zones, I’m talking about your Main Street type of areas where you have on street parking; there’s probably been a multitude of businesses in and out over the years. What I’m looking for is a little bit of feedback on how to handle these going forward. Whether we definitely need to refer every time somebody comes in. As an example right across the street here has a new tenant coming in. This particular tenant seems to be having the same use as the last tenant that was in there, another retail shop. But if somebody wanted to put a barber shop in there, or an office, does that necessarily have to trigger a Planning Board review for a site plan or are we able to use some discretion
at the Building Department level to say this use isn’t any more intense than what’s been in here customarily. Can we go ahead with it with a simple safety inspection to make sure things are up to Code as far as fire safety? I don’t want to give leeway where we’re not supposed to be. I’m not looking to circumvent the Planning Board in any way but also I recognize that if we can keep these stores occupied and rented I think it’s a benefit to the community rather than have them go months and months unrented and then to have potential tenants come along only to find out that the process is too long or too hard and never mind I’ll go to another municipality and look for rental space. So I’m looking for the Board’s opinion on how to handle this.

Mr. Dowd replies most Codes would say that if you’re changing the use then it would trigger a site plan modification of some sort. But if it’s approved as retail and you have a card store and you want to go to a store that sells knick knacks. You’re changing the tenants but not the use. But when you have retail it means a lot of different things. And some retail is a lot more heavy in usage and parking. For example a delicatessen would be a different type of use then the card store. It’s retail but the intensity is different. In that particular case you may want to see something where the tenants are changing but it’s still considered retail but the intensity of that retail is much greater, especially when you have on street parking. One tenant could take up the entire street of parking and nobody else would have any parking available.

Chairperson Danzeisen states if there were a barber shop over there on Saturday morning, you wouldn’t have a parking place out there. And then the deli would be complaining because he couldn’t use his spaces.

Mr. Dowd replies I’m all for what John says about trying to minimize the cost of trying to keep those buildings continually occupied by the same use just different tenants, that doesn’t make a lot of sense and of course as a Building Inspector you want to be sure before a new tenant comes in that all of the electrical and stuff are up to snuff, that’s fine. I would say that usually with a change of use you want to see that.

Member Klare replies where do you get into a discussion as to how different the use is. When do you get into the Planning Board and when not to?

Chairperson Danzeisen states we can leave that discretion to John, as the Building Inspector.

Mr. Dowd replies what I did with one of my communities was that our Code said any change in use would have to come to the Planning Board. You have a small office where there’s one room, we put in a waiver provision where the Building Inspector in consultation with the Village attorney can go through five or six different criteria and if it meets those criteria he just notifies you that he’s waiving the site plan because it meets this criteria, there’s no increase in parking, etc. and this get the applicant moving forward and they don’t have to keep going back to you. That way it’s not just all on John.

Mr. Hager replies I don’t mind sticking my neck out a little bit, use some discretion and say I don’t think that this use that is being presented is more intense than the use that was there last time. I’m new to the community so I really don’t know the history of all of the buildings but usually you can look through the file and get a pretty good idea. When you get into a restaurant they’re going to need a building permit because they’re going to be putting in commercial cooking equipment and that kind of stuff. Something like that the intensity is going to generate, let’s get this in front of the Planning Board. But the strip mall with the Post Office, if the liquor store moved out and somebody wanted to move in as a nail salon, does that generate a Planning Board review or is that something that I can approve after conducting a safety inspection. If there’s a system where we can go through a few criteria and you are notified, I’m not looking to step on any toes or take any authority away.
Chairperson Danzeisen states I think this is a good idea.

Mr. Dowd states there’s a certain description that you should have as the Building Inspector and that would help not having to refer. How many times have we had restaurants in the corner down there, same place, same use, different tenant?

Mr. Hager states part of this is if they have to start out in their business by saying I have to come in and spend $1500 at the Planning Board level plus I have to come up with two months’ rent, security deposit. It’s pretty hard for a business owner.

Mr. Dowd replies I can just send to the Mayor and the Board what we did in the Village of Montgomery, or I can just present it to you first and you can recommend it to the Mayor.

Chairperson Danzeisen states Kevin, please send it to the Board and the Mayor with our good wishes.

Member Escallier asks then once a year, or periodically are you going to inspect to make sure that they’re keeping up with what they said they were going to do. Because in the Village, sometimes, they are not so forthcoming and they tell you one story and they do something different.

Mr. Dowd explains you went to the Village Board, I’m waiving this based upon my conversation with the Village attorney and it met criteria one through six, there’s no reason for this to come to you folks.

Mr. Hager adds nothing is written in stone, if the process becomes where we don’t think it’s working, we can amend it again. And your question being are we going to be looking at these things to see if people are doing what we expected them to be doing, what they presented, my answer is I don’t see a lot of evidence in our files that a lot of periodic inspections have been done recently. The jurisdiction that I came from we regularly did fire safety inspections according to the state standards which most commercial is minimum every three years. If it’s an assembly of over fifty occupants, restaurants, taverns, churches, they’re supposed to be looked at annually. General merchandise is every three years. We would be doing those periodic inspections. You have rental inspections for residential and your businesses here on the Main Street area have residences above so they would need to be inspected annually. I don’t believe that they have annual inspections on commercial rentals but I’ll be getting around to most of them at least every few years. If the Board decides that they think it’s not working that way and they think they need to see more, then we talk again. And the same way with me, if I get to the point where I think maybe my neck is stuck out a little too far and I would reserve the right to say this particular use with these particular circumstances, I think it needs your scrutiny let’s get in front of you.

Mr. Dowd adds when you use this in general discretion and you exercise it once every five applications that one person that you’ve exercised and made them come here can claim selective enforcement. If you have an objective criteria that you are measuring each one against I think that you would get out of that one.

Mr. Hager responds if you are in agreement that you want to let us use some discretion in my department and say that I’m confident that this use is customary, we can try doing that. I think it’s a good idea if Kevin has some examples of a checklist so we have something on record to say here’s the reason it wasn’t referred. I believe that the Village Board similar opinions about this.

Mr. Dowd replies it keeps your businesses occupied and on a much quicker basis if you can just waive it and let them begin. You want to fill these stores up as quickly as possible. And small businesses are on a very tight budget.
Mr. Hager states you would hate to think the reason a small business bails out because of the time or the money involved in getting approvals.

Mr. Dowd replies I will make a copy of what I did for the Village of Montgomery and I'll send it to the Mayor and the Board and also to you folks so that you have a copy of it.

All Members agree that this is a good procedure.

Chairperson Danzeisen replies thank you Kevin. Is there any other housekeeping business before we close our meeting? There being no further business, we will close the meeting. One thing I would like to add, at the class that I went to last week, whenever we take a vote on something, we need to have everybody's name and a yes or a no vote. With us it doesn’t pass unless it's a five member Board, it has to be three yeses.

**MOTION** was made by Member Klare to close the meeting at 9pm.

**SECOND** was made by Member Escallier.

**AYE:** Chairman Danzeisen  
Member Escallier  
Member Quinones  
Member Klare  
Member Stanise  

**NAY:** -0-

Respectfully Submitted:  
Barbara Singer, Recording Secretary