VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
June 20, 2016
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Member Escallier opened the Village of Harriman Regular Meeting of June 20, 2016 at 7:30pm.

ROLL CALL:

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

Absent: Chairman Don Danzeisen, Juan Quinones.

MOTION was made by Member Klare to approve May 16, 2016 Regular Minutes
SECOND was made by Member Stanise.

AYE: Member Irma Escallier
Member Zwarycz
Member Klare
Member Stanise

NAY: -0-

Village View Estates
101-1-1.3
Discussion

Present: David Zigler, Engineer, Atzel, Nasher & Zigler PC; Jay Myrow, Attorney, Blustein, Shapiro, Rich & Barone, LLP.

Mr. Myrow introduces himself as the new attorney to the project. It is my understanding that we are here for a review. A couple of years ago there was a Public Hearing held for final approval, it’s been two years since we’ve been back and I think this is really a catch up meeting to find out where we are, what the Board’s going to require for us to get a conditional final approval. We submitted plans and Mr. Russo has done a partial review but not a complete review so he has some work left before he can make a final recommendation. Did you have questions that you wanted to get answers for John?

Mr. Russo replies there are a number of questions that the Board still has from the last Public Hearing and the comments that came from that and after that when there was the lawsuit so I think there were a number of comments that didn’t get addressed. One concern was the buses going down on Overlook. The public had a large concern and I know that a few of the Board members had been out that way and they also had concerns with the buses being able to go down Overlook. We were wondering how children from the development were going to be handled. The highway curb cut permit, I’m assuming, that’s coming yet.

Mr. Zigler replies yes I checked it. I don’t believe that the permit has been issued; the lawsuit was settled with the stipulation in the settlement where the Highway Superintendent of Monroe has agreed to issue the permit but I don’t think that it’s been formally issued yet. John asked what the conditions were and I checked with Joe McKay, the attorney for the Town, on this particular lawsuit. He referred me to the stipulation in the settlement and I can just read it for you John if that will help.

Mr. Russo replies I have that right here. Paragraph 2 a, b, c, d, e and f.

Mr. Zigler responds yes those will be the conditions that will be set forth.

Mr. Russo replies I just wasn’t sure if the Highway Superintendent himself was putting any other conditions on this.
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Mr. Zigler responds no, according to Joe these will be the only conditions. Does the Board wanted me to read them just so that you’re familiar with them?

Member Stanise replies we have them.

Mr. Zigler continues ok that’s the status of that and that will be issued shortly.

Mr. Russo adds another concern that we previously had, and I don’t know if it’s ever been resolved, is the maintenance of the roads. Who’s going to be maintaining them? You’re now coming off of the Town of Monroe, that first portion of the road is going to be in the Town of Monroe with the remainder of the project being in the Village. Is there going to be an inter-municipal agreement?

Mr. Dowd replies we had talked to Jim Sweeney about this. Certainly for snow and ice removal during the wintertime it might be something that the Village and the Town need to do and it seems to make more sense for the Town come in off the Town highway and to go right up the street and plow it. As far as ordinary maintenance, I would assume if it’s a Village street the Village would take care of it.

Mr. Zigler replies I can make some call and find out what everybody’s position is. If coming in off of the Town’s road it’s easier for the Town to come in and clear those streets after dedication to the Village then we can do it by contract. I’m assuming it’s going to be a wash either way. I will find out what the preference might be.

Mr. Russo replies the storm water facility you’re looking to dedicate that to the Village.

Mr. Zigler replies it’s going to be a district, we had actually gone to the Village Board about that and the Mayor told us to proceed but we would have to reapproach the Board on that matter. And the maps that you received are the maps that basically Monroe approved. That has the access, the radiuses because they just bought a new firetruck and it shows the shrubs, the width of the road. They actually reviewed those three pages, the turn into it from both ways so that was actually in the lawsuit so that’s what their review was.

Mr. Russo replies I saw that there was an updated memo from Phil Greely, the traffic engineer, dated December 8th, where I guess the Town had gone out and the Sewer District had gone out and finally paved those roads over. He said some of his conditions had been met. But there were a few that still had to be done. I didn’t see anything about clearing. I know in his one he had talked about clearing.

Mr. Zigler replies there is clearing that has to be done; it’s to the left as you are coming out. That was in the right of way but that’s something else that has to be addressed on the maps.

Mr. Russo responds I know that we had concerns with visual impacts on lights on vehicles. When you’re coming out of the development you’re coming towards a house.

Mr. Zigler replies there are shrubs across the street now that was part of the agreement.

Mr. Russo asks are they installed.

Mr. Zigler answers they are proposed. It was part of the maps that were reviewed and they know that it’s all going to be planted in their right of way. They approved that. The other thing that you had in your memo was about the Army Corp and we had that re-delineated about a year and a half ago. We had actually applied for the nationwide permit for the sewer but that kind of got kyboshed too for a time. We never executed that. We have to go back for the nationwide permit.

Mr. Russo replies you have to go back for the nationwide permit because of the disturbance of the wetlands.
Mr. Zigler adds we have the water agreement. We took the water agreement and got approval for the Health Department for the extension of the water but that's over five years too. So we have to go back for that.

Mr. Russo adds that's why on my comments I'm asking for updated pressures, fire flows. It's been so long I'm just concerned that whatever changes may have occurred in the system.

Mr. Zigler adds the DOT had approved the extension of the water and had given us concept approval with comments having to do with erosion control and things along the side of Route 17M. We didn't get that permit, we didn't follow up. All of those things have to be activated.

Member Escallier asks about Orange County Planning.

Mr. Zigler responds we had that for 2014, we had comments from them and we had addressed them. Most of them were repetitive. I put that in my comment responses back in 2014 and I can dig those out.

Mr. Russo asks if you could dig those out because it has been so long. Did you ever take a look at; I know that there were concern, of a culvert downstream on NYS Route 17M styping a pond dam and Shea Pond.

Mr. Zigler responds that was part of what we did before the lawsuit we had redone the drainage to stay out of that system because as you know it's actually come across the street, down that stream, and going through our property and that's where the culvert was. The Ford dealer was having problems but we took our drainage system and we made a completely separate pond so that we could stay away from it. And we got approved for reducing it but then that had to be updated by the new SWPP so there's a whole new system basically the same theory to it but there's a new system and higher quality stuff. That's something that I just gave to John a week ago it has to be reviewed for the SWPP.

Mr. Russo asks did you ever find out if there's rock.

Mr. Zigler answers we had done some tests but we didn't find any rock.

Mr. Russo asks to just respond in writing to what I have here, there are three pages of comments now. When I get the review completed I'll forward that directly to you and Jay and the Planning Board.

Mr. Zigler responds I will put all of that stuff together. There are some changes to the drainage, we had to put some in the yards, so we have some easements, swales.

Mr. Russo replies I know that once we address all of the comments they like to get a conditional approval. Do we need a decision from the Village Board in regards to the storm water prior to.

Mr. Dowd answers I think we would like to know so we can make it part of the conditions of the approval. This is very important that we don't make it a condition to accept it, if they're not going to accept it. The same thing with the roads and the maintenance of the roads, if you want to dedicate them to the Village, you have part of that road in the Town. I don't know if the Town is going to want that part dedicated to it but then you're going to have to talk about snow and ice removal and just regular maintenance.

Mr. Russo asks does that town want that part dedicated.

Mr. Zigler states that he will find out. Will there be a drainage district?

Mr. Dowd replies there can't be a drainage district in the Village. They don't exist in the Village. However I think they were going to do something by contract or something like that.
Mr. Zigler states that's what the Mayor had said in 2008. It's been a long time. At the time I think that they called it a Benefit District.

Mr. Dowd replies I think that there was some discussion. A couple of years ago I had a discussion with the Mayor that you really don't have clear Benefit Districts in the Village. You have water and sewer districts in the Village and that is the Village. I think that they were trying to find some way to have the developer put the money up for the original cost of the maintenance of the retention ponds and then they would want to charge back the property owners, but again I'm not sure how you would do that. I think you need to revisit since it has been so long and I think that you should talk to Ben Ostrer, as the Village attorney.

Mr. Zigler states at the time they didn't have the right way of doing it but they didn't want to burden these lots with that improvement. I don't think that there was any disagreement.

Member Escallier states I have a concern about the 74% of the tree that are going to be removed from the site and I know that Mr. Nasher had given us a narrative but want to know if there's going to be some type of, I know it's going to be phased out. So I want to know if each phase is going to be supervised and action taken if corrections need to happen because you promised that there would be no flow and that everything was going into a retention pond and that I understand that it's changed a little bit.

Mr. Russo responds it still all goes to a retention pond, it still goes to storm water facilities and under the DEC standards they can't have any turbid waters leaving the site. Otherwise they will be in violation, they will be violated by the Village, and if that doesn't work then the DEC steps in and violates them and the Village.

Member Escallier continues the other concern that we discussed was right now there are no school buses on that street. The children are being picked up at Woodland and Orchard Drive and the main reason is the size of the road and that it ices in the winter around the curve.

Mr. Zigler responds I did have a discussion with them about school buses and I can't remember what was said. I'll have to reopen it. We did discuss with Phil Greeley and I had spoken with the coordinator of the buses and there was a discussion. I'll find out.

Member Escallier asks Mr. Dowd did you receive any documentation for the parcel.

Mr. Dowd replies I think Mr. Sweeney had represented to us that the owner had purchased the house that the actual road entrance is going to be on. Do you have any of that documentation (he asks Mr. Myrow).

Mr. Myrow responds he said that he was going to get it to you. I have a whole file of deeds in a box from Jim. I started to look through them.

Member Escallier replies if you would kindly give them to Mr. Dowd. Does anyone else have any questions or concerns?

Member Stanise is concerned with the width of the road and the ability of vehicles to turn around.

Member Escallier replies that the Board had measured the road and it was 23.7' but John said that they figured it out that they can turn a firetruck around in there.

Mr. Russo responds they had to actually show that to the courts and have that on the plans. It's an aerial firetruck and they can make the turn in and out of that development.
Member Stanise asks is that the only truck that's going to be going there. What if they need trucks from somewhere else?

Mr. Zigler replies the aerial truck is the biggest. We used the aerial firetruck but they said to use the new one that they purchased, so we used that one, their old one, and a normal firetruck. Everything fits. It's a normal curve radius intersection. It's the best intersection in there. I know that we had a letter about the buses, but I will find out. I'll put it together with all of the rest of the stuff.

Mr. Dowd asks would you like to be put on next month's agenda

Mr. Zigler asks is that a workshop? What would be easier? When would the next meeting be?

Member Escallier replies July 18th.

Mr. Myrow states he will be out of town but he will send someone to represent.

Mr. Zigler replies he will try to get his submission in by the deadline of July 5th. We will put together a comment response letter that he sent, check out the buses, and put it in a package and submit it for the next meeting. I'm sure if we get the comment letter, we're not going to get the maps changed anyway.

Mr. Russo responds if there are any real revisions that occur will be coming out of the agencies, DOT I know they have had several standard changes, the Department of Health.

Mr. Zigler asks is that going to be part of the conditions or is that before the approvals?

Mr. Dowd replies the more that you have on the plan the less conditions that you have. We wouldn't have to make it a specific condition because it's already on the plan.

Mr. Russo states I would like to get back with these agencies and get the ball rolling. Get in touch with the Village DPW Commissioner, get the pressures, fire flows done and get something into the Health Department. You may want to do that before you submit anything to the DOT because say you need to go to a larger line for flows or anything else, you're going to want to represent that on the plan correctly before giving it to the DOT.

Mr. Zigler replies when we did the original DOT we were running the sewer out because the other interceptor wasn't in. And then the water was revised after we removed the sewer and we got the approval for water going out.

Mr. Myrow replies if we feel we can get a substantial amount of everything in here by the 5th so we can have meaningful discussion we will see you in July. And if not we will be diligently working.

Member Escallier states the August meeting is the 15th with the deadline for submission being August 1st. Do we have a curb cut approval? Without that we can't do anything.

Mr. Dowd replies we are waiting for them to get the permit. The lawsuit states that they have to issue it.

Mr. Zigler replies Joe McKay said to call him up and he would get it issued, it's not an issue.
MOTION was made by Member Stanise to close the meeting at 8:00pm.
SECOND was made by Member Klare.

AYE: Member Escallier
     Member Klare
     Member Stanise
     Member Zwarycz

NAY: -0-

Respectfully Submitted: [Redacted]

Barbara Singer, Recording Secretary