

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
May 15, 2017

Chairwoman Escallier opened the Village of Harriman Regular Meeting of May 15, 2017 at 7:30pm.

PLEDGE OF ALLEGIANCE

ROLL CALL:

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

MOTION was made by Member Klare to accept the minutes of March 20, 2017.

SECOND was made by Member Quinones.

AYE: Member Quinones
Member Klare
Member Zwarycz

NAY: -0-

ABSTAIN: Member Escallier
Member Stanise

MOTION was made by Member Zwarycz to accept the minutes of April 17, 2017.

SECOND was made by Member Klare.

AYE: Member Escallier
Member Klare
Member Zwarycz
Member Quinones
Member Stanise

NAY: -0-

The Gardens at Harriman Station
108-1-5.1, 108-1-5.2, 108-1-5.3
Site Plan

Present: Steve Esposito, Engineer; Neil Gold, Developer; Howard Geneslaw, Attorney, Gibbons, PC.

Mr. Geneslaw: You should now have been noticed, according to the SEQRA requirements for Lead Agency determination and we imagined there would be some discussion tonight considering this is your only meeting until the Woodbury Planning Board is intending to meet to consider all comments and make a determination regarding its intent to serve as Lead Agency. We came not so much to present but to answer any questions and to engage in any dialogue that the Board might like concerning the project.

Chairwoman Escallier: As far as I know, from all of the members here, it is in our best interest to co-lead the project.

Mr. Dowd: I understand that but my experience with the DEC is that they will not accept co-lead agencies. They will decide who has the best impact and the size of the project, the scope of the project. Obviously that doesn't stop you from challenging Lead Agency status. I did have a conversation on Friday with the Mayor, as you know, wrote a letter last month saying that the Village Board would like to be considered Co-Lead Agency. The Mayor

told me that he understands that there is no likelihood that the DEC would agree to a Co-Lead Agency under any circumstances. He has spoken to the Mayor of Woodbury and has said the relationship is really solid there, that every piece of paper that they get they will share with us and every piece of paper that we get, we'll share with them. Before you, there's a list of issues that the Mayor and the Village Board have thought of that they want included in the scoping document that the Village of Woodbury has start to put together a draft, and you have something from Lanc & Tully's office as well, and you put these all together as part of the scoping documents. I had the opportunity to speak with the applicant and the attorney last week also and I believe that they earnestly want the whole process to be open and have your input and want to satisfy everyone's input as far as these issues are concerned. While you have the right to ask for co-lead agency, I think there is very little chance of you getting it. I would assume that Woodbury would take Lead Agency on May 31st, at which point the Village Board and Planning Board of Harriman would have to decide if they want to challenge that. You have impacts and those impacts have to be addressed, and anything that you want to have studied should be put in the Scoping document. It's a process that's going to be going on for a very long time; it's a very big project, with a lot of potential impacts, I think they recognize that, and I think that's something that you should be on top of for the benefit of the Village of Harriman, and I think that you will. When it goes to a Public Hearing you want to make sure that the people of Harriman understand that if they have concerns about this project, they should be at those Public Hearings as well. The State is a very involved agency as well as the MTA. There will be a lot of oversight; this project is crossing borders.

Mr. Russo: Do you want this Board to take all comments and send it to Woodbury or should it be going to the Village Board.

Mr. Dowd: I didn't discuss that specifically with the Mayor, but since he sent everything to us, I think it would be best to be coming from this Board to share all comments, including the Village Board's comments, for that scoping document to be included.

Mr. Esposito: This is about the fourth time that we have done the SEQRA review. The original on in 1988/89, Monroe, Harriman and Woodbury were involved. Woodbury was the Lead Agency with the Planning Boards were the communicators within the municipalities. In 2006 when it was Woodbury Development, the Planning Boards for the respective towns were the communicators.

Mr. Dowd: While there are specific issues that the Village Board has to discuss with the applicant, I think the Board respects you as planners to do your job and raise those issues that need to be raised. You'll have site plan approval over the project, but as far as SEQRA process, I think that's where you really need to speak up and I think that you should be the communication people with Woodbury Planning Board, that would be the best thing to do.

Chairwoman Escallier: I will attend all of the meetings.

Member Quinones: These issues that the Mayor has sent out, can we discuss them here now?

Mr. Russo: This is the time for you to voice all of your concerns, because we're going to have to get all of this information compiled into Woodbury. To ensure that it's included in the Scoping Document.

Mr. Dowd: I read the Scoping document, and there's a lot of information in there but one of the things that we need to impress upon them is that when they refer to the Village, they have to specify which Village, Harriman or Woodbury. They need to be very precise in what they want studied and in which community.

Mr. Gold: In the Lanc & Tully letter, it is said that you would like to Leggette, Brashears and Graham as the water consultant and they are the Village's hydrogeologist.

Mr. Russo: Also an environmentalist, what's being done as far as the contamination and the cleanup? Although you have these reports, I don't know where they stand with the process of cleanup has been approved by the DEC. As a Village, we want to make sure that the proper studies are being done and review it so we know that everything is being covered and not overlooked.

Mr. Gold: A study of remediation is being done by TRC.

Mr. Esposito: We have done a lot of these studies in the past decade and we continue to do that and now TRC is comparing the mitigation plans. The state is also in the final throes of releasing their reports. We have been in contact with them as well hoping that there may be portions that we can incorporate.

Mr. Dowd: In the past, the Village, Town, and applicant, I'm thinking about the commercial development, Harriman Business Park, all use Leggette, Brashears & Graham for a lot of the water studies. They are all familiar with the water supply, ground water and the area. Everyone understands that having this one expert addressing all of the issues for the applicant, Town and Villages, it works out very well.

Mr. Geneslaw: Maser is the traffic consultant for Woodbury. We have already met with the DOT once for the concept plan and have another meeting scheduled the beginning of June. Maser has also been invited to attend the meeting with the DOT.

Mr. Russo: That would have been the traffic consultant that I would have recommended but since Woodbury already has them on board, any concerns that we have with traffic, we relay that information to Maser and they will definitely make sure that it's incorporated into the study.

Mr. Dowd: The Mayor has many intersections in Harriman that he would like to have studied.

Member Zwarycz: My main concern is that the Harriman portion, Phase 1, what would happen if it goes bust? What happens then? Woodbury was involved in the decision making process but it blew up in the Harriman end of it; it doesn't make a lot of sense to me.

Mr. Russo: That's a question that you should be writing down so it can be incorporated and put it out there. Harriman will be involved all the way through. They are doing the scoping document, we have to make sure that all of our questions, concerns are in the scoping document so as they proceed forward, they are addressing them. They will also be before this Board for subdivision approval, site plans approvals. During the SEQRA process you will be seeing them because they'll be developing the plans as they progress through SEQRA, you'll be able to address the comments. They may or may not, depending on how the plans develop, go before the ZBA, the Village Board; you'll be seeing them quite a bit.

Mr. Dowd: Each phase has to stand on its own. Just in case something like that does happen.

Mr. Esposito: In regards to the SEQRA process, the Lead Agency, which we feel the Village of Woodbury Planning Board would be the appropriate agency for that. But you're going to get everything that we submit to them, just like you did with this packet. You'll also be involved in the SEQRA process in addition to the subdivision and site plan approval process. This Board will have the ability to review those documents and comment on them as well.

Mr. Russo: I was going to ask you, would you mind coming to some board meetings down the road and answering some questions. Just to keep this Board abreast, if they have questions. Sometimes it's easier to speak face to face than to read a letter.

Mr. Gold: Anytime that you invite us, we'll be here.

Mr. Geneslaw: We are more than willing to come and present, discuss, answer questions when there's been a new development or just for an update. I'm sure that we'll be here with some frequency.

Mr. Gold: We don't intend to build all of Harriman and that's Phase 1. We start with 20, 40 maybe 60 townhouses but at the same time, we're building the infrastructure to begin building the town center in Woodbury. We wouldn't be leaving you in a lurch; we don't think we would build 120 units at one time.

Mr. Russo: We have asked for a phasing plan, construction sequencing. That would all be listed out. Those are questions in the scoping document, that as they move forward they would have to present the phasing plans.

Member Klare: Is this Woodbury Police department? Or Harriman? Or both?

Mr. Russo: We would have to look at the impacts on all of that. The police, fire department, schools, ambulance, parks. You'll have the one park right there.

Member Zwarycz: Woodbury residents aren't allowed in Village of Harriman parks, and that works both ways. Village of Harriman residents aren't allowed in Smith Clove's Park in Monroe. These parks are all segregated.

Mr. Esposito: As part of your zoning, we are required to provide open space with recreational amenities in Harriman. We are also required to provide recreational amenities in the Village of Woodbury. So the concept is we would keep those people in Woodbury on those ball fields.

Member Zwarycz: How are you going to keep all of these new people who live in Woodbury from going to the Harriman parks? Find a way to maintain that and I'm great with it.

Discussion broke out regarding the local municipalities and their respective parks.

Mr. Russo: One of the impacts that would need to be addressed would be the impact to Mary Harriman Park.

Member Quinones: If everything goes as planned, when do you anticipate this project to start? A target date that you are looking for this project to start?

Mr. Gold: Yes, very late in 2018, with any luck, or early 2019.

Mr. Russo: Hopefully you would be able to clear in the winter of 2018-2019 so you could avoid the Indiana bat issue.

Chairwoman Escallier: I have two questions, do you have any plans to use special building materials for noise abatement because the train system will be running through and these buildings would be affected by the noise.

Mr. Gold: We do, we haven't designed the buildings yet, it's still much too early in the process. We are aware of that, we are having a noise study and an air quality study being done so that will be one of the questions that we're interested in. We want the units to be successful, and people to be happy there so we would have to abate any untoward noise. Also there's a probability that the trains will double over the next few years as they put the second track in so the noise might be more constant.

Chairwoman Escallier: My second question is have you any plans for any eco-friendly plans within the community to store water, rooftop gardens?

Mr. Russo: Rain harvesting, use of rain water.

Mr. Esposito: Right now we're looking into a green infrastructure for drainage. We also have a wetland resource onsite that we think is a great asset. We are going to promote and expand for educational purposes to the educational system, school districts. Walkways, educational center, we think this will be a benefit to the community. We are looking into sustainability items with the buildings but we will be looking at those in the design of the buildings. Water managing techniques within the fixture and planning with the architecture. Just in terms of the process, we have distributed the Notice of Intent, Draft Scoping, EAF, and plans to all of the involved agencies. All the interested agencies have been notified. On May 31st, the Planning Board of Woodbury will assume the Lead Agency and they are going to Pos Dec the project because of the scope of the project. That Pos Dec will be reissued to all of the interested and involved agencies letting you know that that has been done. They and their consultants will be reviewing the draft scoping also, just as yours did. Then there will be a Public Comment period and that will be laid out in the Pos Dec. There may very well be Public Information Session or if not the minimum will be a public written comment period of time. So from now to the end of that time, if any members of this Board have any questions, you can get them to John, get them to us or send them to the Village of Woodbury Planning Board.

Mr. Russo: We received the revised scoping documents; did we get the revised plans?

Mr. Esposito: No, the only revision to the scoping was we put the Village of Woodbury Planning Board in the narrative, and we added the Village of Harriman Police and the Fire.

Mr. Russo: Any question, comments that you have, write them down so that we can compile the information so that we can get this to the Woodbury Planning Board.

Member Klare: My concern is with the Police Department. We have a seven man police force and you're putting up 60 condos or townhouses, which could be another 300 people.

Mr. Geneslaw: Part of the scope is we are required to analyze the potential impacts to community services; police, fire, schools. If there's an impact that's been identified, fiscal impact, it's up to the applicant to mitigate that.

Mr. Gold: When you said 300 people, we're building 2 bedroom townhouses with a sitting room. I doubt very much that there will be even 3 people per unit. This is really meant for people who are retired, whose children have left. It's not for families with children. There are no 3-4 bedrooms being built. I think the number is substantially less with 60 units of 300 people.

Member Stanise: What is the square footage for a 2 bedroom? Is this some kind of a senior housing?

Mr. Gold: They will be big, about 1800-2200 square feet. We have two types of units, townhouses and mansion apartments. Not everybody wants to climb stairs after a certain age. There will be three storied, with an elevator, four apartments per floor. And we call them mansion apartments. These are open to younger people too. There are people, maybe in their 40's, without children, who don't want to take care of a one family house. We're not saying who should live there but we're not building for children.

Mr. Geneslaw: The Village of Woodbury Code requires that 50% of all the units that are constructed in Woodbury have to be 2 bedrooms or less. Substantially, they will be 1-2 bedroom units.

Member Zwarycz: At 1800 square feet, they are probably larger than 80% of most residences in the Village of Harriman. There are a lot more than 2-3 people who live in each of these bi-level homes.

Mr. Gold: It's a good value for the money for the people who buy there. All I'm saying is that we're not building 3-4 bedroom units. We don't think that there's going to be a big impact on schools, and we are having this study, for Harriman as well as Woodbury, a very positive impact fiscally for Harriman.

Member Quinones: Are you going to have work force housing also?

Mr. Esposito: 20% of the units in Woodbury have to be affordable.

Member Klare: There are 362 units in Lexington Hill and it's supposed to be 4 people to a unit, at 1000 square feet, and some of them have 5-6. And they're rented.

Chairwoman Escallier: We didn't discuss traffic impacts. We have Woodbury Common Outlets and that causes traffic every weekend. Especially on the holidays.

Mr. Russo: They are going to be studying that. The Mayor gave some additional locations that he would like to have included in the scoping documents. If there are any other areas that are greatly impacted, they need to be added to that list.

Member Stanise: Should we consider the parking in the local stores like Walmart, and restaurants, will it make it more difficult to get parking and services?

Member Zwarycz: Another concern is Bailey Farm Road, where it's closed. Whatever deal has been struck between Monroe and Harriman that it stays the way that it is. This development doesn't affect whatever is on the table as far as that traffic flow, two ways, one way, whatever it may be. For the record, that whole Larkin Drive development is a fiasco. Harriman shouldn't have to pay the price to open that road to take care of all of those traffic issues.

Mr. Russo: The last that I knew there was a plan in the works and Monroe was going to have to do improvements and it was going to be 2 way in off of Larkin to a point and then one way. I know that there was a plan that was developed last year and it was supposed to be implemented, but where it stands between Harriman and Monroe, I don't know.

Member Zwarycz: I just don't want that part of the traffic study to be on that table with this development. That can't be looked at as an artery that can be opened up.

Mr. Esposito: We're not proposing to do anything with that the part of the development that is in the Town of Monroe.

Chairwoman Escallier: I would like to have access to Woodbury's Planning Board minutes, is that possible?

Mr. Esposito: When we make an application, submit anything to the Woodbury Planning Board, we give them a hard copy and a digital copy. They automatically put that on their website. You can follow the documents on the website, and they are good with their minutes, they're usually two weeks behind. But all of their minutes are accessible on their webpage.

Mr. Russo: As far as the plans for submission, will you be providing hard copies of the plans to us also?

Mr. Esposito: Absolutely.

The Gardens at Harriman Station representatives left, and discussion continued.

Mr. Dowd: They are going to have a Public Hearing, at least one or two possibly, on the scoping document itself before they go into the DEIS process. That's when you and the residents can come out and give their opinions.

Mr. Russo: You, as a Board, should be at those Public Hearings. Although you may not have had comments about certain things, you may think of things as you hear other people's comments.

Chairwoman Escallier: Should we establish a date by which when we have to let you know, so that you can let them know?

Mr. Dowd: We certainly have to have it in their hands before the May 31st, even though they have taken Lead Agency and Pos Dec and they're not going to finish the scope. I think that you want that in front of them so that they can see what they have to do.

Mr. Russo: So by Friday of next week, because when I get it from you, I have to compile it, put it in a letter format and get it to them. I would like to pass it by Kevin first.

Chairwoman Escallier: I do plan on going to the Planning Board meetings. We are able to get the meeting minutes on line, so we're good.

Mr. Russo: I think that they're going to be here more than you think because although they're going to the Village of Woodbury, they're going to be developing plans all along. The Village of Woodbury Planning Board cannot speak for what occurs in the Village of Harriman. So they are going to have to come here also, presenting the projects because they are going to need to advance their plans as they advance their DEIS.

Mr. Dowd: I think also they're realizing the reality of the SEQRA process of this project. When I was talking to the owner and his lawyer on Thursday, someone asked him how long he thought the SEQRA process would take and said October, maybe November, outside December. I spoke with him and said with this kind of a project you'll be lucky if you get done with the SEQRA by June 2018 because it's such a big project with so many different agencies involved. Then you have to go through all the different processes, Planning Boards, Zoning Boards, site plan, subdivision and all the different state agencies.

Mr. Russo: By the time he gets his FEIS done, the plans are in an approvable format. They have to develop the plans all the way through this process to show how they are mitigating the impacts, to be able to take a look at what they need to find out what the impacts may be.

Chairwoman Escallier: You mentioned at the last meeting that they didn't have as many condos as they really need so that means they will really have to go to the ZBA.

Mr. Russo: The Village's Code says 150 units for Planned Unit Development use; and they have 120 units.

Mr. Dowd: Right there they would need a variance.

Mr. Russo: Yes, you do but if you look at the entire project and forget municipal boundaries, you want something that is esthetically pleasing, uniform; do you want to make them cram it in the corner? If you look at it that way, you might not want the additional 30 because now you're losing open space. But if you want to play hardball, and say you're not meeting it then they need a variance or an additional 30 units. The additional 30 units with 2 people each could change the results of the studies.

Mr. Hager: Regardless of the size of the units, the Village of Harriman allows, under certain conditions, accessory apartments. Do we know if Woodbury allows accessory apartment? Are we going to have a scenario that someone takes on a 2000 square foot home, falls behind in the payments, and decides to make an accessory

apartment here so I keep my neck above water. Is that something that needs to be clarified on the site plan on whether or not these can be divided down to accessory apartments?

Mr. Dowd: There are going to be no detached, single family homes in Harriman. It's all going to be apartments or townhouses. You can't do an accessory apartment to an apartment. There are some home owners associations that try to regulate rentals, who you can rent to, how long you can rent them for, if you can rent them at all. But as far as the owner of the project selling them, or leasing, once he sells it, he's not going to control that, he can't.

Member Klare: They could set up their by-laws so that there are no rentals allowed.

Mr. Russo: These are things that we need to write down and get to them.

Member Klare: In Lexington Hill right now we have 42% rentals, when we hit 50% we can't get a mortgage. These are two bedroom apartments but when they first built them, they had one bedroom with a den.

Mr. Dowd: They are saying one or two bedrooms with a sitting room. That sitting room becomes a third bedroom.

Mr. Hager: Accessory apartments are allowed in every district, I would have to check the Code. It's a very strict criterion, I don't know if Woodbury even recognizes it. The first question is, is an accessory apartment, does that constitute another dwelling unit? Because if they're approved for 1500 dwelling units, and then they're going to start adding accessory units. The way our Code is written, it's kind of not a dwelling unit. It's this criterion that allows a family member; it needs to be owner occupied. We don't get in to private spaces. There are state codes that tell you how many occupants can be in a certain space. However, it doesn't tell you that a bedroom can only be occupied by two people, five people, etc., it all goes by square footage. Now he's telling you that you have a 2000 square foot unit, you may have a bedroom that's 700 square feet. I think that you need 70 square feet per occupant, actually after the first occupant it goes down to 50. Some of the local codes have more restrictive, say no more than three per bedroom. I don't think Harriman has that.

Discussion broke out.

MOTION was made by Member Quinones to close the meeting at 8:30pm.

SECOND was made by Member Zwarycz.

AYE: Member Escallier

NAY: -0-

Member Klare

Member Zwarycz

Member Quinones

Member Stanise

Respectfully Submitted:


Barbara Singer, Recording Secretary