

**VILLAGE OF HARRIMAN PLANNING BOARD MEETING**  
**Regular Meeting**  
**July 17, 2017**

Chairwoman Escallier opened the Village of Harriman Regular Meeting of July 17, 2017 at 7:30pm.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

**Present:** Chairwoman Irma Escallier, Board Members, Ron Klare, Michael Zwarycz; John Russo, Engineer, John Hager, Building Inspector and Barbara Singer, Recording Secretary.

**Absent:** Board Members Martin Stanise. Juan Quinones; Kevin Dowd, Attorney.

**MOTION** was made by Member Klare to accept the minutes of May 15, 2017.

**SECOND** was made by Member Zwarycz

**AYE** Member Escallier  
Member Klare  
Member Zwarycz

**NAY:** -0-

**TAMR VENTURES LLC**  
**106-1-16**  
**Subdivision**

**Present:** Asha and Thomas Keegan, owners; Ross Winglovitz, Engineer.

Mr. Winglovitz: This is a four lot subdivision on a 1.4 acre parcel. Tommy has been a caretaker for this property for a long time. They have acquired the property and are looking to subdivide it; two lots off of Maple Avenue and two lots off of Kearney Avenue. There was a comment about the configuration of this lot on Maple and this is being done because there is an existing drive way that comes up to the rear of the existing home and it is probably the best way to access this house. It sits up on a bluff with a stone retaining wall around it and trying to access it from another way would have a lot of grading impacts. I agree that it is a little bit of an odd configuration, we took a long look at that and thought this would be the best way to handle that lot and make a traditional lot in the center and let them maintain their existing driveway. We could do it with an easement across that lot to this house and extend the lot line to the south to clean it up a little more but realistically it wouldn't be any different than what we are showing here. I think it's the best way to gain access to this house and their beautiful barn. If we try to approach it from the front, it becomes problematic.

Mr. Russo: Even if you shift the lot over and move the driveway?

Mr. Winglovitz: We can, but when you get in to the knob right over here, we can look at that. That would be our second alternative. If the Board didn't like this, then we would shift it entirely to the East and try to put the driveway in up the hill through the slope and tie in to the parking that is behind the house.

Mr. Russo: I would not have a problem with that or the easement or if they wanted to shift it over. They could provide an easement on the existing driveway.

Mr. Winglovitz: The second two lots are in the back off Kearney Avenue, we have provided the necessary frontage and lot width. One of the comments from Mr. Russo is that there is no turn around on Kearney, it just ends. I talked to my clients; they are willing to provide the right of way necessary for a T turnaround to be constructed

but they don't want to bare the financial burden to construct it. They would be willing to give the property to the Village for that but wouldn't want to be burdened to construct that T turnaround. Note #2, the McAllister parcel, which is to the west, actually encroaches across their driveway and they actually have no frontage. They have a driveway that encroaches my client's property, so by giving that additional right of way I think that would resolve the encroachment issue as well as provide a turnaround. Three parking spots, we listed it as two and two. Do you want three outside or do count two garage spaces and two outside spaces?

Mr. Russo: No that's fine.

Mr. Winglovitz: Water, sewer services, and the details of those, we were waiting to make sure the layout wasn't going to change before we get into the detail design of that and the grading. Comment #6 is regarding the dedication strip, the majority of the Boards like us to dedicate or offer to dedicate the 25' from the center line of the Village street. Does the Village have a policy, do they want them? Not want them?

Mr. Russo: No, they like them. As far as the T turnaround, offering that but not building that, it's something that you would have to take up with the Village Board. They would have to accept dedication, and also the issue of not constructing it.

Mr. Winglovitz: We're definitely willing to do it; we just don't want to be burdened with the cost of doing it. We can address both of those issues with the Village Board. Metes and bounds, once we finalize the lot layout we will provide details of the metes and bounds with the lot lines. Comment #8, the configuration of Lots 1 & 2. Does the Board have any preference on this? We think it's a better layout because it avoids the construction of a new driveway. It's a more gradual driveway, less impact, although it's not traditional.

Ms. Keegan: Just the way the house sits up on the hill I feel that if the driveway came up the middle, it wouldn't look as attractive as it does the way it exists, coming up the side. It follows the lay of the land; it doesn't stand out so much. It comes up very nicely between the barn and the house. It makes it very accessible for whomever, or if we keep the house. We're trying to keep the house as original as possible, it's such a pretty house and the barn is beautiful.

Mr. Russo: I understand that but municipalities usually don't like to have irregular shaped lots. It's problematic in the future, if anyone tries to adjust lots later. So even if it's just extending that lot over to the side line that exists and putting an easement over that. You can put a permanent easement over that driveway across that property and still have a conforming lot.

Mr. Winglovitz: Comment #9, there's a beautiful barn that goes with the original house, it's a pre-existing condition. It's 2' off the property; in our opinion, it's an existing condition. We're not changing that lot line at all, so we're not making it any more non-conforming. Because it's pre-existing, we shouldn't have to go to the ZBA. It's used for storage.

Mr. Russo: It is a pre-existing, non-conforming; it doesn't need to go to the ZBA. Sometimes, Boards want to send them to the ZBA just to have variances in place to clear it up but it doesn't have to.

Chairwoman Escallier: I would feel better about it if it was empty, it could be razed or something.

Mr. Winglovitz: It's a nice structure; we wouldn't want to raze it. It's a big asset to the house and the property. It is an existing condition; we're not making it any more non-conforming. We're not moving that lot line.

Ms. Keegan: Originally I think it was a hay barn. I think it was just used to store things.

*Mr. Russo: The T turnaround I know that they definitely want that. You need to approach them because I think that they're looking at you to construct it also. That's going to have to be brought up to the Village Board.*

*Mr. Winglovitz: So I know that we're going to have to go before the Village Board for those two issues. The only other issue that needs to be decided tonight is the barn, whether or not we have to go to the ZBA. We prefer not to go, it's an expensive additional step that doesn't change the outcome of anything.*

*Chairwoman Escallier: Is it the same owner from 1993?*

*Mr. Keegan: These people owned this property since 1937, original owner.*

*Mr. Russo: And the barn was constructed in 1937? So it predated the Code.*

*Chairwoman Escallier: Ok, so we don't have to worry about it.*

*Mr. Russo: I'll still want the walk up front, the stairs removed. Break them up and move the concrete out of there. They don't want to take something over and then they have to go in and do the work.*

*Mr. Winglovitz: Ok, so no ZBA, but we'll go to the Village Board to discuss the T turnaround and the dedication. I think that the solution that would work for both of us would be to move the lot line but have an easement across for access. It cleans up the lot lines and also maintains the existing driveway.*

*Mr. Hager: With the layout of the driveway being a little out of the ordinary, it wouldn't be a bad idea to put on the plan that you are going to put the number of the house for Lot 2, at the edge of the street next to the driveway. The house is quite a ways up in there and you need something that's going to provide them with the 911 address. The new house might be close enough to the street that it could be located on the front of the house.*

*Mr. Winglovitz: There is one by the driveway, 30 Maple Ave. We can put it as a map note so that it's affirmative, so someone else can't come rip it up.*

*Mr. Hager: Make sure that it's obvious which driveway belongs to which house.*

*Chairwoman Escallier: You have the understanding that these home cannot be for two families. Is someone occupying the two storied pine building?*

*Ms. Keegan: No, these will be single family homes. No one is occupying that now. We're going to start renovations shortly to start updating the house.*

*Mr. Winglovitz: We will visit the Village Board and then be back. At what point can we request a Public Hearing?*

*Mr. Russo: I think that we'll wait until you do the next submission, show them the T. I don't want to set a Public Hearing before you have the map set.*

*Ms. Singer: The Village Board meets the second Tues of every month.*

*Chairwoman Escallier: John, could you bring us up to date with things that have been going on in Harriman?*

*Mr. Hager: I denied a permit proposing to build a two family house on Beatty Circle. The lots were subdivided back in the early 1970's and for some reason the lots on that street have been zoned for business but recently the Village Board voted to change the zoning districts and now that's become R-50. But that still doesn't allow a two family use. The applicant was hoping to put in a two family house instead of a business. He needs to be referred*

to the Zoning Board for the use and to the Planning Board because of the street. The street was never dedicated to the Village. The original subdivision had notations that said it would be offered but it didn't get improved to a condition that the Village would be willing to accept. There are several documents in the file that say no more Building Permits until the street is improved. I don't think that it has to be dedicated, it can remain a private street but the determination has to be made whether it's an acceptable street to serve one more house. That applicant could possibly appear before this Board, have your engineer check it out and figure out what criteria we need to uphold to. It's probably not going to meet the exact details that were on the original drawing.

*Chairwoman Escallier: We have one like that, Emma Lane. It's a very small driveway that goes up to the house.*

*Mr. Russo: How many houses or lots are served by this road?*

*Mr. Hager: After the new one there are four homes that are served by the street. However, two of them were originally served by North Main Street. When they built the new street I think they built that over the top of the driveways and accessed the houses that way. Three existing houses are served off of it. The third house was built in the 1990's. And now this last lot.*

*Mr. Russo: There would have to be a common maintenance agreement between all four of the houses.*

*Mr. Hager: That's another question, if it's not dedicated to the Village who is going to own this street and how is it going to be maintained. Is the other lot going to have some of the responsibility? I made mention of that. For Step 1, I'm not sure if they're going to start with you or the Zoning Board. My recommendation was for them to start with this Board so if they need any other variances they could get it all done at once. They may choose to go there first to find out about the use. Maybe they'll decide to put in a single family home if they can't get the approval. The lot size, the area of the lot, if you look at the Code about how many square feet you need to put a dwelling in it, does support a two family but that district doesn't allow two family use. They haven't made an official application of either Board yet. They only applied for a Building Permit, which they got denied.*

*Mr. Russo: Have you heard from Superior Pack at all? Have they cleaned up the trucks? I know there was a problem with the trucks.*

*Mr. Hager: I have to schedule an inspection over there. By observation, they still haven't completed everything. I've been tracking them and routinely they have numerous more trucks than they should have.*

*Discussion broke out regarding traffic and traffic patterns.*

*Member Klare: I was there on Saturday and they had seventeen trailers on the property. Two of them were on the road.*

*Member Zwarycz: They numbered nine spots, when the original plans were for six numbered spots. And it has never even been close to that. I confronted them about this, and I have laid back since then. They even started stacking cars and that made the situation worse. Then the population of employees went down dramatically. It's better than it was, but it's not good.*

*Mr. Hager: There's other work that's probably going to happen adjacent to them. The County's rail trail is going to be improved. Access into that rail trail is going to be there near the Village's well site. I haven't seen any plans on that yet.*

*Member Zwarycz: I'm concerned about that as well. I saw some equipment back there through the trees.*

*Mr. Hager: The equipment that you see is there constructing wetlands to trade off with the Mercedes dealership. The development that's going on at the other end of Melody. For every acre of wetlands that they filled in they have to create an additional acre. That has nothing to do with the trail. It's partially on County land and partially on Village land and has nothing to do with Superior Pack Group.*

*Chairwoman Escallier: There are two other projects going on, the Nail Salon and A & M Storage. The nail salon is by the Post Office, the storage is by Enterprise on Route 17M.*

*Mr. Hager: The nail salon by the Post Office filled a vacant space. The restaurant had moved out, they rent half of that. I think the restaurant rented two units, the nail salon rents one of those units. And a cupcake store will occupy the other unit.*

*Member Zwarycz: It's an alcohol cupcake company.*

*Mr. Hager: Both uses were intended in the Zoning Code, I didn't see any reason to refer it back to the Planning Board. On the other side of street by Enterprise there had been an auto repair in there. The auto repair moved out, the owners approached me about having a tenant who was interested in storage. It's much different than what we've been looking at with Right Choice Builders, it's well under the 10,000 square feet, and being that manufacturing, processing and stuff is allowed under 10,000 square feet I didn't have any problem allowing storage there. I didn't realize that the Zoning Board had already considered a few of those, but it sounds as though they weren't the same scenario. That's how I interpreted it. The Zoning Board has not ruled yet on Right Choice Builders. They took some comments on the interpretation of the use as to whether they can be considered accessory storage to the main business. They have not rendered a decision yet. They haven't taken the public comment on the variances yet for the parking, height, and stories. The Zoning Board wasn't sure, and I think it goes back to the commentary that John Russo had, about the way that he's designed the building with it cantilevering over a portion of the parking area whether the column spacing is going to work out so that he gets the exact number of spaces. They went back and forth with that. As it's presented now, he's asking for a 100 space variance rather than the 150 spaces, he's providing 50, plus or minus a few because we don't know how many the columns will interfere with. I guess he would have to design around that or go back to the Board and ask for additional relief; They haven't rendered a decision on that or taken the Public Comment on that yet. I think that they wanted to decide what the use was going to be allowed before they get into the area variances. I think that they'll make a decision at the next meeting, they asked for some more information. Between that project, the ZBA making interpretations, myself making interpretations, and the Code being a little sketchy to begin with, once we get a conclusion on that project I do plan to draft a letter to the Village Board asking them if they want to clarify any of that language. That might make it easier to navigate the Code the next time we have a project.*

*Mr. Russo: Alan Peck spoke with you, John, and he's going to be coming back. He can't finance the building that he's proposing. He's talking with two other companies who are looking to come up in this area. It was nice that he called and gave everyone a heads up on what was going on.*

*Chairwoman Escallier: Do we know anything about Village View?*

*Mr. Russo: They will probably be back next month. They've gone to the DOT, addressing their comments. We had more comments that we sent out in March. They had to talk about that portion of the road in the Town of Monroe, whose going to maintain it. Also in regards to the storm water facilities, how will it be maintained and by whom.*

*Mr. Hager: They were at the Village Board's last meeting.*

*Chairwoman Escallier: Are they planning on using that same entrance, where they bought the house? Making those two other houses corner lots? Changing subjects, what is the endangered species that they are talking about? Could be a plant, could be an animal.*

*Mr. Russo: Probably the Indiana Bat. No matter what project it is, where it is, everyone gets hit with the Indiana Bat. If you go to the DEC website all it tells you is that it's endangered or threatened species, the most common is the Indiana Bat. This way you can only clear between November and the end of March.*

*Mr. Hager: One of the things that came up at the ZBA meeting about the right Choice Builders project was the word processing. Manufacturing, everyone has an idea what that is, but where do you draw the line in processing? It was mentioned that some of the marketing people might be Amazon retailers. They don't own any brick and mortar stores; they take their orders on line and fulfill them. The ZBA seems to be of an opinion that would be considered processing because they're packaging things to send them out. If that's what the owner has in mind, the ZBA pretty much told them they wouldn't consider the storage use of that kind of processing. Processing is an allowed use under 10,000 square feet. Even if they divided the building into eleven spaces, they look at the building as a whole. The gentleman that presents it, he can't guarantee what types of businesses, and the ZBA has asked for a list of perspective tenants.*

*Discussion broke out.*

*Mr. Hager: It all comes down to what the site plan is authorized for and how they conduct their business.*

*Chairwoman Escallier: If there is no other business, we need a motion to close the meeting.*

**MOTION** was made by Member Klare to close the meeting at 8:15pm.

**SECOND** was made by Member Zwarycz.

**AYE:** Member Escallier  
Member Klare  
Member Zwarycz

**NAY:** -0-

Respectfully Submitted:

  
Barbara Singer, Recording Secretary