

**VILLAGE OF HARRIMAN PLANNING BOARD MEETING**  
**Regular Meeting**  
**April 16, 2018**

Chairwoman Escallier opened the Village of Harriman Regular Meeting of April 16, 2018 at 7:30pm.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

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

**Absent:** Board Member Ron Klare

Mr. Dowd: Member Klare is not present today, so Alternate Kelly will be sitting in tonight.

**MOTION** was made by Member Escallier to accept the minutes of December 18, 2017.

**SECOND** was made by Member Zwarycz

**AYE** Member Escallier

**NAY:** -0-

Member Quinones

Member Stanise

Member Zwarycz

Alternate Kelly

**RIGHT CHOICE BUILDERS INC**

**101-2-1.11**

**SITE PLAN**

**Present:** David Niemotko, Architect.

Mr. Niemotko: We were before you about 16 months ago; at that time this project was much bigger. We had to go before the Zoning Board of Appeals to request variances. The variances were for height, story and parking and there was a Code interpretation of the definition of commercial storage. We did not get the height variance, story variance or the parking variance. However, we did get a definition of commercial storage which allowed us to make this project comply with that definition and within the Zoning Code requirements that's outlined. Quite briefly, it's a two story building, the first floor is approximately 18,000 square feet and the second floor is 26,000 square feet. It complies with the definition of commercial storage. The second floor overhangs that first floor by 30' to allow for maneuverability of trucks of 30' maximum length. We tried to answer all of the questions that were commented originally and brought the plans up to date. I have not reviewed the comments from your engineer yet. I would be more than happy to answer any questions on the comment list that are outstanding.

Mr. Dowd: The commercial storage is an accessory use?

Mr. Niemotko: Yes, it is in a B-2 Zone. It's a special use permit.

Mr. Russo: You have offices in the building? So the principal permitted use is the offices? The storage is accessory to the offices? The offices have to occupied year round.

*Mr. Niemotko: Correct but the offices have to be a part of the commercial storage use. As outlined by the Zoning Board.*

*Mr. Dowd: Can you break down for the Board the square footage and how many businesses are going to be in this building?*

*Mr. Niemotko: In our cover letter we outlined eight areas that the building will be divided in, three on the first floor and five on the second floor. In the office space we are using 10,000 square feet to make the parking work. So there would be 10,000 square feet of office space that would be divided among the eight storage spaces, approximately 1200 square feet of office within each commercial storage space.*

*Member Kelly: How many trucks will be coming into that area? I thought that I saw a very low number. Is what you're storing leave or does it just stay there? A permanent storage?*

*Mr. Niemotko: There won't be a lot of truck activity going back and forth. For example, one owner might be a party rental place, so they would store their things there until they get a phone call saying someone would like to use your services for an upcoming holiday or party. They would go out, set up, entertain that and bring their equipment back to the storage area. That's one example of how one of these eight areas might be used. In that particular case the amount of truck traffic would be minimal at most.*

*Member Zwarycz: My guess is that it will be storage for the businesses at Woodbury Common, so there will be traffic every single day. This is just my speculation. It could be one business; they're just building on spec as eight. Technically one tenant could take over the whole building. Am I correct in that assumption?*

*Mr. Dowd: Yes, but the problem is going to be is depending on the size of the operation; it will throw off all of your evaluations of the truck traffic and the like. If you're going to have one business taking over the entire building and the entire storage area it could be a big warehouse facility with trucks going in and out all of the time. If you have it broken down into eight, as he's proposing, then you would have to assume they're smaller businesses.*

*Member Kelly: Also the amount of water that you're using, is that normal for eight businesses?*

*Mr. Russo: I've asked for a breakdown on the calculations because he had usage at 480 but the water going out is at 800. Also I see the ZBA said that the office has to be active year round, moreover the office has to be used for more than just managing the storage units.*

*Mr. Niemotko: We used some basic design rates. I can clarify that, absolutely, in letter form to you.*

*Mr. Dowd: If all the office is going to do is receive phone calls saying, we're going to have a party, ship your things here, they ship it out and bring it back when the party is over, how is that not really what John just said? The office is only managing what's in storage.*

*Mr. Niemotko: Commercial storage was a difficult definition. The example that I have just given you I had used specifically with the ZBA to help clarify matters. To the best of my knowledge, they accepted that as a typical example.*

*Mr. Russo: I can understand that.*

*Member Zwarycz: So my example wouldn't fly. That's what a lot of these businesses at Woodbury Common take up all of the storage places. They run box trucks back and forth all day because they don't have storage in their buildings at Woodbury Common.*

*Mr. Russo: The way that the ZBA laid it out is that they have to be using the office as a primary and they would have to be running a business out of there so storing things for Woodbury Common would not fly. For example, an electrician running his office there and needs storage for his spools of wire and whatever else.*

*Member Kelly: How many parking spaces do you have for the employees and anyone else who is coming to do business?*

*Mr. Niemotko: The ZBA limited that, not to have pedestrian traffic or outside traffic doing business. It would be specifically related to that business, it wouldn't be a store front, for example. The ZBA said that would not be applicable to commercial storage.*

*Member Kelly: How about people coming to your office to do business with you? And you are going to have potentially eight businesses, how many parking spaces to accommodate?*

*Mr. Russo: You have a calculation in there for office spaces; you have to provide a parking stall for every 200 square feet of office space.*

*Ms. Singer: Member Kelly didn't receive a copy of the plans so he wasn't able to look at that.*

*Mr. Niemotko: On the first page we did a parking calculation and we show enough parking spaces to accommodate what we're proposing per your zoning. I believe there's upwards of 60 spaces.*

*Mr. Hager: 50 are required, 63 were provided. (reading from plans submitted)*

*Mr. Zwarycz: The key here is commercial storage, if I have a hobby and the things that I collect take up a lot of space. If I have deep enough pockets as a civilian, I want that much space, but I'm not running a business, I wouldn't be able to rent here?*

*Mr. Russo: No. The principal permitted use has to be the office. The storage is secondary to that business.*

*Mr. Niemotko: Another example to help, is a fence company. A person in the office is taking phone calls, orders, and they're storing fences there. The guys would come pick up their units of fence, bring them out install them.*

*Mr. Zwarycz: It sounds like more service types of businesses. Where customers wouldn't be coming in to buy supplies, for example.*

*Chairwoman Escallier: It seems to be reasonable to say that you would need to load and unload whatever is being brought in, because the driver's not responsible for that. You would need a couple of people for that and you would need the person that's going to stay upstairs in the office. So it would seem reasonable that you would*

*have three employees per unit, as far as parking calculations go. I also want to point out that on the application that you made to appear before us, you put down the term industrial storage. I know that sometimes you can change the terms and they may be interchangeable to you, but if you could just change it, please. I'm just asking that you fill out another application to show commercial storage.*

*Mr. Niemotko: If my office did that, I'm one of a few people, I apologize for that. That is no problem for me to change.*

*Mr. Dowd: I think that it might be better if you could amend your application to more closely reflect what you're now before us with. This will clarify what you have with the ZBA, how many units, what they'll be used for.*

*Mr. Niemotko: No problem, I'll get that in with the next submission.*

*Chairwoman Escallier: I don't have any other questions, I know that Mr. Russo has many points to cover with you but we don't want to cover them in this meeting, right John?*

*Mr. Russo: Correct, there's a lot of information that was missing off the plans, that was incomplete. I think that you have to take a hard look at the plans, look at the comments, if you have questions, please give me a call.*

*Chairwoman Escallier: One of the things that I saw on the plan was that there were no doors indicated so we can determine where the handicap is going.*

*Mr. Russo: On the east side of the building it doesn't show the doors. In the elevation it showed where the doors were but on the site plan itself, it didn't show where the doors were on the building. The doors on the side of the building. I think the other thing that the Board is going to want to see is floor plans for both floors. Along with the elevation renderings. We want to take in the visual aspects of this.*

*Mr. Niemotko: Now the sides of the building are units. They aren't common spaces. While your zoning code requires ADA parking and access, I'm not sure if there's a national building code that requires the building to be ADA accessible. We'll have to research that. These will all be addressed.*

*Member Zwarycz: Could there be some kind of provision about whoever's unit it is that they don't have box trucks parked in the regular parking spots long term?*

*Mr. Russo: For example if there's an electrician and he's running his office there, he might have the truck parked there overnight.*

*Member Zwarycz: That's acceptable. But I'm talking ocean container type stuff, not enough room inside, it's happening more than a lot of people believe, at other sites.*

*Mr. Russo: We can always add notes to the plans that there would be no outside storage. I think that some of the information that was provided by the ZBA interpretation we are going to want to see as notes on the first page of the plan.*

*Mr. Dowd: We will probably cover that in our resolution as well.*

*Mr. Niemotko: Do you want to provide us with a note to put on the plans that would be satisfactory? I believe we made reference to the ZBA decision on the title page of the plans.*

*Chairwoman Escallier: I think that they should be placed in the notes, something to the effect that it would be no warehousing. I have it written out and we can put that in the notes. Another questions is what would happen when the parking that's available for the box trucks is full, somebody is coming in? They can't cross the lot and park elsewhere. That's what basically he's asking you. Are they going to go around the block?*

*Mr. Niemotko: In the definition of commercial storage and the way that these eight units would have to be used, I do not see a lineup of trucks needing to get in and out. It's not a constant importing and exporting of material for a unit, this is materials that would be stored there until they're used. While I do not know the exact tenants and I do not know their exact services, I do know that they need to comply with what the ZBA said regarding commercial storage. Given that premise, I'm convinced that the trucks would not be lining up into the street at all because there would be no need to. There's only one bay door per unit. The space immediately in front of the loading dock is a separate parking calculation. It's not impeding on any of the other parking requirements.*

## **METROPLEX**

### **108-2-7.1**

#### **SITE PLAN**

**Present:** *Jeremy Valentine, Lehman & Getz; David Getz; Gary Steiner, Martin Brower.*

*Mr. Valentine: The project is a 22,500 square foot addition to the existing Metroplex site. We are calling it Martin Brower because I'm hoping that the application cleared that up before we had different companies, naming different things that should all be settled on the new application. We are keeping the disturbance under an acre so a full SWPP does not come into play but we are doing retention and water quality just not RRV. We are expanding the parking lots some to accommodate this. Basically the biggest thing is two shifts that they have, when those two shifts happen, there are a lot of people all at once, but it's only for those couple of minutes, then it's not an issue. Our parking calculation takes that into account.*

*Mr. Russo: When you were here previously with the conceptual, there was Phase I and Phase II.*

*Mr. Valentine: Phase II was an addition on the north side of the building, that is gone now. What they're looking to do then was to do a dry storage and a possible freezer addition. What they've decided to do now is to put the freezer inside the existing building. They are going to rip up the existing floor, not at this time but something down the road for the Building Inspector. It was just too much with the retaining wall, and the cooling system that's already there. They said it was a 50/50 chance but they decided if and when they do the freezer, it's going to be inside the existing building, nothing exterior.*

*Chairwoman Escallier: Do we have to notify the Town of Woodbury?*

*Mr. Dowd: There's no approval process that the Town of Woodbury has on this. If you want we can always notice them as an interested party on SEQRA. I don't see how it would impact them.*

*Chairwoman Escallier: Ok. When I see your revised plan, everything will be inside?*

*Mr. Valentine: Yes. And everything shown is solely in the Village of Harriman. I looked at John's comments and have no issue with any of them. The first comment is about the additional truck traffic, as we had mentioned at the meeting before hand, they are looking to have nine new employees, with an additional nine to seven routes per day being added to the six days that they're open. It's not a huge increase in their truck traffic that they already have on the site.*

*Mr. Russo: Does a route equal a single truck?*

*Mr. Valentine: That's my take on it. It says nine shuttles per day, six days per week average and an additional seven routes per day, six days per week. Additional signage, we have no problem with that. For the ADA compliance, we're checking with Martin Brower to make sure. I'm under the impression that the existing entrance in the front, is the main entrance but I have to check with them if they're going to have additional entrance that they would like to use also. We will comply with an additional five handicap parking spots. Demolition, the ac units are going up on the roof. The manhole is going to be removed. Looking at that retaining wall for the footing; make sure that doesn't impede on the storm water manhole there. We have stop grades, not an issue; I'll show them on the next submission. The drain line for the trench-drain, that's not a problem. The 24" RCP wasn't shown but it does obviously cross right there, we're going to tie in right back in with the existing. There's an existing sewer man line coming down through there, we are going to go through the building with it. They want to tie that in also and it's going to go back into the existing sewer line that comes out and ties into Commerce Drive South. It's already there now; we're just breaking in this section and tying back into it. We will show details for the striping, I'll show a cross section of the outlet control so you can see how the weirs are going to be. The timber guide rails are shown but they weren't poled out, so I'll do that so you can see exactly where they're going. We have a retaining wall around the retaining wall because it's so close to the parking we have timber guide rails in the detail but it's not called out in the plan so you can see exactly where they're going to be. For the SWPPP, we just have to put on the report how we are required to fill out an NOI with the DEC and to have a long term maintenance schedule because they have filter cartridges. They already have a service contract and they do maintain them.*

*Mr. Russo: Could you make that service contract part of your plans. To show that they are maintaining them and have a contract.*

*Mr. Valentine: Ok and that covers the comments.*

*Mr. Dowd: This would require a site plan Public Hearing or you can waive it. The plans have to be amended before the next meeting.*

*The 239m has not been submitted to the County for review at this time.*

**MOTION** was made by Member Quinones to schedule the Public Hearing on May 21, 2018 at 7:30pm.

**SECOND** was made by Member Stanise.

**AYE:** Member Escallier

**NAY:** -0-

Member Quinones

Member Zwarycz

Member Stanise

Member Kelly

**MOTION** was made by Member *Quinones* to close the April 16, 2018 meeting at 8:10pm.

**SECOND** was made by Member *Stanise*.

**AYE:** Member *Escallier*

**NAY:** -0-

Member *Quinones*

Member *Zwarycz*

Member *Stanise*

Member *Kelly*

Respectfully Submitted: \_\_\_\_\_  
Barbara Singer, Recording Secretary