

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
August 20, 2018

Chairwoman Escallier opened the Village of Harriman Regular Meeting of August 20, 2018 at 7:30pm.

PLEDGE OF ALLEGIANCE

ROLL CALL:

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

Absent: Board Members Martin Stanise, Michael Zwarycz.

MOTION was made by Member Klare to accept the minutes of July 16, 2018.

SECOND was made by Member Quinones

AYE Member Escallier

NAY: -0-

Member Klare

Member Quinones

Member Kelly

RIGHT CHOICE BUILDERS INC

101-2-1.12

SITE PLAN

Present: David Niemotko, Architect

Mr. Niemotko: I have received the comments from Lanc & Tully so if we could go over the comments, using them as an outline.

Chairwoman Escallier: I would like to start by making some comments. In the beginning, you were in the area of the Zoning Board of Appeals because you needed some variances to do what you wanted to do. At that time, I want to bring to your attention the conversation the discussion about the terms that were being used interchangeably and so you said to Mr. McKay that the intent of the owner is to use this as commercial storage as you defined as there is no better definition and Mr. McKay said I just don't want there to be any confusion, I know that what you say you equated this warehouse term with the commercial storage term. And I don't think that you want this board to find that this is a warehouse because a warehouse would be prohibited in that section, so I don't know if you mis-spoke before. Then it went into a different type of conversation where you said it was all dry, non-hazard storage. But the main point here is that you were advised by Mr. McKay, the attorney for the Zoning Board of Appeals that it could never be a warehouse there because it wasn't zoned for it. He said it was prohibited in that section. But when you came before this Board in May, I advised you that the terminology that you were using was incorrect because it misconstrued the main use which in this case is office and, in those minutes, you advised me that you would correct it. We have discussed this since the Zoning Board of Appeals had made their decision and they were calling it an accessory commercial storage use, we decided that it should be office space with accessory commercial storage use. It was in fact a misrepresentation of what the project is. In order for this to be in the B-2 zone, it has to be one of the permitted uses. That's why I'm stressing this. You replied, we meant no deception, the plans will be revised to state office space with accessory commercial storage use. Now today, every page state new commercial storage building. I feel that it's disrespectful to this Board that you're continuing in this vein, you're here to seek a special permitted use. In this site plan, I see that there's a page missing. I can't see what the property looks like, I have no idea what the building looks like. We have asked

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
August 20, 2018

you for that. On SP-2, you're showing 16 units. You started at 16, then down to 11, then to 8 when we were last here, and now we're back to 16. On the description and notes it says new commercial storage building with auxiliary office space. Which is exactly the reverse of what this is because this is office with accessory commercial storage. It concerns me on the second floor because you're showing the loading docks here and going to the storage space, I don't see anyway to get back to the office space unless I go through the storage, that it wasn't accessible. The amount of square footage is not consistent with the main use being the office, these offices are 1550 square feet, these storage spaces are 13000 square feet, 3700, 2980, the proportions don't tell me that the offices are the main use.

Mr. Russo: In going along with what Irma is talking about, on the revised application, it says other than residential, proposed construction, commercial storage. The principle permitted use should be office with accessory commercial storage.

Mr. Niemotko: So new office building with accessory commercial storage use. All of the title blocks will be changed to read that description. And the application.

Mr. Russo: The commercial storage is only allowed as an accessory to a principle permitted use. We received a letter from your client stating that they are in the process of trying to acquire the easements, but the easements aren't necessary for the construction of the walls. That's not the case, there is a section that the grid will extend beyond the property line onto the neighboring parcel.

Mr. Niemotko: In reference to the permanent and temporary easements. The permanent easements, the metes and bounds that are given on SP-2 for the drainage.

Mr. Russo: We will still need a written description and that can come later. That comment is going to continue until it's filed with the Orange County clerk because it's part of the actual deed or made part of the deed. It's going to have to come from a licensed land surveyor. Same as the temporary construction easements, they will have to be written description stating where these easements lie. Even though it has to be shown on the plans, with the metes and bounds, you still have to provide a formal, written description.

Mr. Niemotko: We have not had any success with the neighbors regarding temporary construction easements. They have responded that they don't want to enter into agreement. I'm sure that they will be here for the Public Hearing to discuss that. We asked them to contact their attorneys and to have their attorney draw one up and they refuse to do so. I couldn't find anything in the Harriman Code that mandated it so I'm not sure what the enforcement of this is. There are only two areas in question, retaining wall 7 and 11. The other areas are not in question at all, we proved that in the retaining wall details and showed it in the geo grid and we allowed the allowances in the geo grid. These two retaining walls were repeated in your comments. The contractor asserts that he will be able to do it without penetrating or violating the property line. We allowed clearances in the geo grid, we allow 7' to the property line, the block at that point is only two layers so we only need 5'. We are also taking away, we are not cutting into the person's property. The dimensions and the measurements show that we will not be impacting the other property lines.

Mr. Russo: The one by the car wash, down around the curve on the right side? Because when you go along on the grid according to the calculations that were done, and what's on the plans.

Mr. Niemotko: There's only a 4' difference. The only wall that starts to touch on that is the 7' high wall. And according to the details, that allows us for a 5' grid. So, we are not encroaching on the property line and the contractor confirms that he can do the work.

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
August 20, 2018

Mr. Dowd: So you're saying that you can construct those retaining walls without in any way, with any construction, grading, without being on the neighbor's property?

Mr. Niemotko: The general contractor is saying that in the letter. I'm seeing that in design. Two blocks don't need a geo grid. The property is high so we're coming in with the geo grids. From a design standpoint, we're not encroaching on the property line. It was up to the general contractor that he would not encroach it and he provided a letter stating that.

Mr. Russo: On SP-6, you are altering the drainage, you have proposed drainage manhole and it is behind the property line.

Mr. Niemotko: Their pipe extends into our property. Yes, you are correct. That 18" pipe definitely encroaches on to the property and we will relocate the manhole to make the intersection on this project's property.

Mr. Dowd: This Board cannot allow one owner to go on another owner's property. Your client, or the contractor could be arrested for trespassing unless they have permission to go on the property.

Mr. Niemotko: We are only proposing 8 units, not sixteen. On SP-2 it shows 5 units; each unit has an office space and a storage space. On the lower section, it shows 3 units, each with an office space and a storage space. In the decision that the Zoning Board of Appeals rendered, that there was no percentage that was required between the office and the commercial storage. Our parking is also based on these square footages also. With the permanent easement, we will relocate the catch basin and have a written description done.

Mr. Dowd: In the documents, there will have to be a document called permanent easement that the description will be part of.

Mr. Russo: We saw that you had submitted e-mails from DOT, in their e-mails they are also referring to this project as warehouse. They asked that the turning lane be eliminated, it's their entranceway, their approval as far as the entranceway is concerned. Have you been making headway with the Orange County Sewer District?

Mr. Niemotko: We submitted e-mails and they asked for two details, we included them on a plan, and then I asked them for additional details in reply to your comments regarding form pouring existing catch basin and they provided us the detail, we put it on the plans. It's to the best of my knowledge that they are ok with the plans. We complied with everything that they requested. We have the correspondences; the final e-mail is from us to them asking for the detail in response to one of your comments and they gave it to us. I will request that from them again. But we have complied with all their requirements.

Mr. Russo: SP-2 needs to be on a larger scale, there's so much information. Some of the information on SP-2, when you get to SP-3 has been pulled off. I think you could work with SP-2 and enlarge it in two parts. When you start pulling information off, things can get lost.

Mr. Niemotko: One of the requests was that we put all of the information on every page, we have been trying to comply, but it is getting crowded. We do have an enlarged SP-3, which shows the north section of the project pretty well outlined. We could enlarge the drive, we will never get both on one page. Right now, SP-3 is an enlargement of north portion of the lot, and then I can make a SP-3A and that would be an enlarged portion of the drive.

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
August 20, 2018

Mr. Russo: That's fine. There are certain existing contours and proposed contours that don't tie out to anywhere. The other area is the north side of the parking lot. I don't know if that's the spot elevation of the paved portion of the lot, the top of the curb? When I met with the gentleman from your office, I asked him to show the grading and he said that he would. All proposed grading should be shown.

Mr. Niemotko: Yes, it's mostly along the drive because the rest of the property is definitely divided by retaining walls. We will address that in the drive enlargement. The measurements on the parking lot are on the paved portion of the lot, not the curbs.

Mr. Russo: Does the Orange County Sewer District know that you're grading out over their sewer easement? Is a 1:1 slope sufficient there? Are they going to maintain that? Especially if the sewer district has to get in there, I don't know how they are going to work on a 1:1 grade.

Mr. Niemotko: They would start their sheeting and shoring beyond that 1:1, at the toe of that. If they're digging 8-10' down, they do have to provide a box, sheeting, and shoring. We will definitely clarify this further.

Mr. Russo: They have to provide a box, but I don't know if they are going to want to go to the extent of allowing you to grade out where now they have to provide sheeting to do this. There's labeling where lines run through it. The total area of the first floor and second floor and the project description notes do not match the total number of area shown on the plans.

Mr. Niemotko: The description is correct, the area noted on the plans were net areas. When they did the calculations, they were removing the walls so that's a net area. The gross area is correct, 17200. We will eliminate the net areas.

Mr. Russo: The angle parking on the south side of the building. Does not comply with the 10x20.

Mr. Niemotko: On SP-3 we do note it. We detail it on the scales to 10x20. The SP-2 graphically needs to be changed to reflect the SP-3. The calculations don't change.

Mr. Russo: The top and bottom of the retaining wall elevations along the south side of the parcel are placed at random spots along the wall. Elevations shall also be shown at the beginning and end of the wall and in the corners when the wall changes direction. There's one here at the south side that says top wall and it's blank.

Mr. Niemotko: We show it at the beginning, the corner. Our breaks in the walls are the changes in elevations. They aren't random locations. We can add at the top of the corner, but our break lines are at the change of elevation.

It is decided that the remainder of the comments provided by Lanc & Tully will be discussed at a consultant's meeting with the applicant and Planning Board Chairwoman present at a later date.

Mr. Niemotko: These comments can be addressed readily, easily, and I'm not sure why we can't go to a Public Hearing at this point.

Chairwoman Escallier: We are receiving mail from Mazer and they are describing your storage units as mini warehouses. I have something from the Department of Transportation, and it says that regarding sight distances, your site will be housing a warehouse, make sure a single or combination truck has the required sight distance needed. The fact that this agency is expressing their view that this project is a warehouse is a serious problem

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
August 20, 2018

because it's not allowed in the code. I'm telling you that and Mr. McKay told you that. The fact that the office spaces and the other spaces are interchangeable, that's a problem. The fact that the height of the offices is 14' is an indication that this is a warehouse. There are different factors that are involved here that all tell me that this is a warehouse. I knew that from the start, but now I'm having that confirmed by two responding agencies are telling me that this is a warehouse. The fact that your loading docks are not accessing the office. The offices should not be accessed at all really. You're accessing both floors, that's a problem for us, it's a problem for the Building Inspector. How is he supposed to work on this? The size of this building is colossal. It's an indication that it's being used a warehouse.

Mr. Niemotko: On the traffic report, commercial storage is not a use that they can access and use for calculations. Commercial storage is a use and a term that is very specific to Harriman. It's not even in the Building Code. If Mazer can't refer to anything in the Code, that's commercial storage, they must refer to the closest application. And that's their closest application.

MOTION was made by Member Kelly to enter into Attorney/Client Session

SECOND was made by Member Klare

AYE Member Escallier
Member Klare

NAY: -0-

Member Quinones
Member Kelly

MOTION was made by Member Quinones to close the Attorney/Client Session

SECOND was made by Member Klare

AYE Member Escallier
Member Klare

NAY: -0-

Member Quinones
Member Kelly

Mr. Dowd: The Board and I have just had some conversations in Attorney/Client because the Board is concerned, and I think that you hear that concern that the plans that you keep submitting to us have continuing errors that John Russo keeps pointing out and they just keep getting repeated, and they're not being resolved. Some of them are easy, some come up after revisions that are new errors. They seem easily correctable and should not have been made in the first place. I understand that you want this matter to go to a Public Hearing, but this Board is concerned that the plans are not ready for that yet. Secondly, we have not even begun the SEQRA process, we want to do that tonight, intent to be lead Agency, distribute to the different agencies, we did notice that the DOT has noted that they haven't heard from us yet. Before they actually send these plans out with that intent, they want the plans, hopefully after the consultant's meeting, they want a set of plans that have answered these concerns of John Russo's and have corrected the mistakes on the plans so that we can distribute them to the agencies. We want them to go as a reasonably good set of plans to those agencies, not with a lot of errors. Additionally, as you heard from the Chairwoman of the Planning Board, there's concern about this use, whether you call it warehouse or commercial storage, we understand the difference, obviously other people don't, they don't know the Village of Harriman Code. This is a special permit use, and I want to draw your attention to section 140.44 of the zoning code which is called special permitted uses and talks about guiding principles and standards that all must be met to the satisfaction of the Planning Board in order for them to approve a special permit. In addition to all of the site plan issues that we were trying to address, I would implore you and your client, to cooperate fully and try to resolve this quickly as possible. The Board doesn't like to see this go on and on, but they are not going to approve plans that are not to their liking, do not meet the Code, in which there were several errors and they want to be

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
August 20, 2018

convinced that this applicant, the owners, fully understand what the Code allows them to do as far as the uses are concerned. What the special permitted use are, and they want to make sure that don't constantly see repetition of the word the principle use being commercial storage, we don't want to see references to warehouses. If this plan is going to go forward, it has to go forward to the satisfaction of this Board, the principles were met, and the plans are in proper order. Until that happens, I'm afraid we are going to be spinning our wheels and we don't want to do that and I don't think that your client wants to do that, and I don't think that you want that. So we are asking you to please get us a set of plans and it might be after the consultant's meeting and correct all of these issues and when they are submitted to us, we will send out a letter of intent to all of the involved agencies and all of the interested agencies and keep the ball rolling. These plans are not ready for a Public Hearing yet. The Board had asked for elevations, I think that they would also like some kind of a colorized rendering of what this building is going to look like. And like we ask every other applicant to do with a commercial building, we want to see what it's going to look like, how it's going to fit into the neighborhood, how it's going to fit in with the other uses around it, any landscaping plans, retaining walls. Hopefully we can see what the whole site will look like. They have mentioned their concerns and they continue to have these concerns. If your client wants to potentially see this get approved, I think that we have to move in the right direction, the Board and you working in tandem to get this done. We don't really get that feeling sometimes.

Mr. Niemotko: Other than the misnomer of the office building with commercial storage, I have proven tonight what you consider errors, weren't. We have demonstrated that. There are some things that are not consistent, there are many others that we have already answered on the comments on the plans. We did provide elevations, it's SP-19. This is the first time that we've heard that you want a colored rendering, so we'll address that. I cannot agree that we are giving vibes that we don't want to work with the Board. We have met with John Russo several times, we have tried to incorporate everything that he wants, and we will, we will meet again. I want to make clear that we are working with the Board and if there is anything else that I can do, let me know. And apparently you have, and we will. If other consultants had provided information and they could not use commercial storage as an identifying use because it's not listed in any state regulation, they would have to go to the nearest use.

Mr. Dowd: I agree with you but the letter from Mazer and the letter from DOT will say this is a commercial storage building and while there is nothing in the DOT Code for commercial storage building, the nearest to that is a mini warehouse. At least the person writing the letter understands that this is not a warehouse but using comparative of what a warehouse would be as far as traffic consideration, that's fine.

Mr. Niemotko: that's fine, if we have to go back to the subconsultants to ask for that, that's not a disposition on our part to not be agreeable with the Board. It's just a communication with them to say the Board wants some further information on it. That's it and we will provide it.

Mr. Dowd: You also have to understand that you started this with a revised application, that you prepared, which says commercial storage as the principal use. That should not be happening a year plus into the project, where the enunciation of what this project is, and the principal use is of this project is, is still being mistaken on your application form. That's the frustration that you have from the Board, and part of the problem that the Board has. We would really like you to be more exact.

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
August 20, 2018

MOTION was made by Member Klare to declare the Village of Harriman Planning Board Lead Agency.

SECOND was made by Member Quinones

AYE Member Escallier

NAY: -0-

Member Klare

Member Quinones

Member Kelly

Mr. Dowd: *The distribution of the plans will be done once we have a cleaner set.*

44 NORTH MAIN STREET LLC

102-2-3

SITE PLAN

Present: David Niemotko, Architect

Mr. Niemotko: *This application is for a new office building with commercial storage accessory use.*

Chairwoman Escallier: *I noticed on the EAF, page 9, was answered without referencing the residential use that's across the street.*

Mr. Niemotko: *We provided a very preliminary plan, we will address all of John Russo's comments, we just wanted to familiarize the Board with the proposed project. Harriman's benefitting, it's getting wetland area that will be landscaped. It's getting a new, small office building with accessory storage area. We have to continue with the site development plans. We will provide a colored rendering of the site. I included the wetland notes, but obviously it will be a separate plan, so you can see what the Army Corp has been approving. You can see the construction and the wetland mitigation plan.*

Mr. Russo: *That's part of your overall disturbance. I know that you're saying how much is actually being disturbed but in the DEC's eyes, that's still part of your overall disturbance. That has to be included because you're moving earth, so that has to be done, we'll have to see the plans from Army Corp. The grading, I know that you're cutting a significant amount out of there.*

Mr. Niemotko: *Eighteen inches. We have a grading plan for that too. We did get the Army Corp comment letter back for this, so what you see is the incorporation of those comments.*

Mr. Russo: *Cross section on the plans indicates 3' or more cut.*

Mr. Dowd: *Is it going to be two floors of 3000 square feet each? So, it's 6000 square feet?*

Mr. Russo: *No, it 6000 square feet on each of two floors, 12000 square feet. The footprint is 6000.*

Mr. Dowd: *How is that being used? One tenant?*

Mr. Niemotko: *Preliminarily, the first floor is being used as commercial storage and the second floor would be used as office. For this conversation, yes, I don't have it divided up.*

Mr. Dowd: *If you're going to have more than one user, you're going to have more than one employee, several employees for different businesses.*

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
August 20, 2018

Mr. Niemotko: The car count is based on the square footage, so we calculated that and initially right now, we satisfy the parking requirements. If this project continues in this vein, we will continue to satisfy the zoning code. It's a different owner than the previous project, and however many suites they decide that they want, we will have to adjust it accordingly. Right now, at this moment in time, everything works.

Mr. Russo: The storage will be on the first floor and office on the second, how do you access the office? Do you have loading docks? I'm assuming you'll have box trucks come in?

Mr. Niemotko: I haven't done the rendering yet. We had a very late change in discussion, so I'm unclear at this moment.

Chairwoman Escallier: Have you told your client that this will be going under the new code?

Mr. Niemotko: We don't know when the new code is going into effect. We started the application, but do we know if that's going to survive through the new code? I'm waiting to hear from the Village Board.

Mr. Dowd: It's up to the Village Board how and when they grandfather when there's a change in code. Clearly without an approval or even a preliminary approval there's no vested right to that. It's really up to the Village Board as to when it becomes effective and against whom, so they could grandfather them if they wanted to if there was enough activity, say on the previous one as opposed to this one. I have no idea.

Chairwoman Escallier: Did you speak with the owner because this is on Main Street, it brings it up to a higher level? Are you going to access this from the sides instead of the front? It would seem to me that the best way to do this on a main street, to be impervious.

Mr. Niemotko: Absolutely. This front elevation will be seen as opposed to the previous project. Something that is vernacular to the neighborhood and to the Village of Harriman. I'm not trying to hold back information, but I don't have a clear direction yet. It may change to all offices, but that depends on the parking.

Member Kelly: I'm not trying to be rude to you but we're asking you questions and you're as much in the dark as coming here with that as we are. This may be office with storage or maybe just offices.

Mr. Niemotko: What was beneficial is that we got something before the Board and you can see that we're planning something for the site. We did get comments back that were very helpful. These comments will allow us to guide the client and owner through this process in a clear way. That's why we only submitted two plans, existing and one proposed, very preliminary site plans. Quite frankly, to get your comments on it and now that I can ascertain those, and we have these written comments, I can discuss this with the owner. It's not being ambiguous, it's trying to be clear and decisive in our moving forward. If we had prepared a complete site plan, and it was on the wrong track, that wouldn't serve anybody. In my opinion, I have a clear track that I can share with the owner

Mr. Russo: As far as traffic, I don't see how you're going to get box trucks around that building. You have a tight site to begin with, and I'm really concerned with the storm water.

Mr. Niemotko: The stormwater will have to be underground.

Mr. Russo: But then how are you releasing it? Getting it out?

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
August 20, 2018

Mr. Niemotko: We have some development to do but, yet this is evidence that we value the Board's opinion.

Mr. Hager: Is the building's floor elevation dictated by the flood zone? That building would be higher than the existing building is now?

Mr. Niemotko: Yes. Partial grading, we did the preliminary grade around there to see the flow. I want to elevate it above the flood zone. There are codes regulating that, there is common sense regulating that. If the house floods or not, I'm sure we will be above that elevation.

Discussion regarding the water levels during heavy storms.

PROPOSED ZONING CODE CHANGES – COMMERCIAL STORAGE

Chairwoman Escallier: I think that we should start with the definition. I have pulled several different versions. In the draft it says that storage public is going to be a commercial facility which offers fully enclosed space present for storage of personal, household or business property. Conducting of any business or sales from individual storage units shall be prohibited. Storage private, an accessory structure or portion of a principal building not open to the public used by a commercial entity to store equipment, materials or supplies to use by that commercial entity. It doesn't say anything about special permitted use storage. Do we want to include that?

Mr. Dowd: What they were trying to do is get rid of the idea of commercial storage building, it's really not defined anywhere, other than now through the ZBA. If you take out the commercial storage building and you put in its place a public storage and private storage and those are the definitions. How they would apply and where they would appear in the table of use regulations, either as permitted uses or special permitted uses or accessory uses is another part of those definitions. I think that we got caught up in the definition of accessory use and we realized that the definition of accessory use, which was trying to define how big an accessory use can be as compared to the principal use. There's a difference between commercial accessory use and a residential accessory use. The two are not comparable and you wouldn't want them to be. One of the things that we were trying to address were commercial storage buildings and how the accessory nature of the warehouse section was so much larger than the principal use, the office use. So it was thought instead of defining it in the accessory use definition, which doesn't work because of commercial or residential, is actually in the private storage which is really what this commercial storage building would be. Private storage is one that's a business that has an accessory storage facility that is not open to the public. The public can't walk in there and rent space, they can't shop in the storage facility. If a private storage is allowed, as an accessory use, to some other commercial principal use, so long as that private storage does not exceed 100% of the principal use or 50% of the principal use as far as square footage and then in the special permit itself, just like it said in the other one here it said you can not exceed 10000 square feet, under light manufacturing, you're doing the same thing for a private storage facility.

Mr. Russo: Under the special permitted use section, in the tables, you can define sizes.

Mr. Dowd: We already do that, for light manufacturing, it says not to exceed 10000 square feet.

Mr. Hager: What I find now is that a lot of these criteria are listed in the column of the table and I feel that they should be referred to in the text of the code, let the table refer you to that section. It's hard to get the kind of detail you need on the special permitted uses from the table.

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
August 20, 2018

Mr. Dowd: I agree, but if the major concern of this Board to the Village Board is the size of those accessory storage units, then that can be handled just like it's already being handled in the light manufacturing section. If you try to refer on the chart to some other section, that section has to be a lot more detailed than just the size. It would have to be maybe even what use it is. You are defining private storage, that's easy, and if you put down in the special permit section, B-1 and B-2, private storage is allowed as an accessory use to a principal office use, provided that the private storage unit doesn't exceed x amount of square feet, if it's a separate building or x amount of square feet if it's in the same building as the principal use. That might be the easiest way to solve the problem if the Board can decide what the sizes should be. It would be right there so anyone who was reading it would know, I can have a private storage facility accessory to my office, either in the same building or in a separate building but I cannot exceed x square feet or the size of my office.

Mr. Hager: It wouldn't have to be a broad definition, you could pinpoint on each of those special permitted uses.

Chairwoman Escallier: I think that we should not have this term here, we have to break down this term to show, accessory building structure or use, with regard to residential and then have another one for commercial.

Mr. Dowd: You could do that but that's not going to solve the issue with the size.

Mr. Hager: The ZBA was considering the accessory and whether the storage could be accessory, you can see in their decision, they set limitations and part of the reason for that was because it wasn't specific in the code. Whereas it did set specific parameters for different uses.

Mr. Dowd: that's the Village Board's prerogative as the legislative body to enact these things. If you wanted to make a recommendation to them, as part of this Local Law process, I think the idea of breaking it up and getting rid of commercial storage, it doesn't define anything really. Private storage and public storage define the different kinds of storage that you allow in your Village. In this particular case, it would be a special permit, as it is now, it would be better defined and if the Board wishes they could regulate the size of that accessory use as compared to the principal use.

Chairwoman Escallier: There is a very large demand for it in the last few years.

Discussion broke out regarding the size of the accessory versus the principal.

Mr. Hager: I worked out some draft language breaking out commercial storage I thought warehouse would be one, commercial storage would be another, commercial public storage including outdoor storage and accessory commercial storage. It all depends on how detailed you want to get. You can cover a lot of ground under the special exception section. I think warehouse should be a special permitted use even in the I district, right now it's a permitted use in the I district. That way you could get into section 140.44 and have some set criteria that applies for a warehouse project. Right now, it's wide open. I think that some time should be spent considering what subjects should be in that special permitted use column and what special criteria should be in the Village Code in all districts. Certain sizes in the B-1, B-2 and the I district. It gives the Village Board the ability to put very specific criteria in that section of the code. The definition that I was working on was for accessory building structure use: a permitted subordinate building structure use which is customarily in relation with and clearly incidental to the principal use located on the same lot. In case of accessory use within the same structure as the principal use the area occupied by the accessory shall not exceed 50% of the gross floor area. In the case of accessory use within a detached structure or in combination of multiple accessory structures, the structures occupied by accessory use cannot exceed the gross floor area of the structure occupied by the principal use. In

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
August 20, 2018

the case of outdoor accessory areas, the area that they occupy may exceed principal use areas provided it's demonstrated that the excess areas are necessary to facilitate the secondary accessory use.

Chairwoman Escallier: If we are going to set limits as to what the building can be sized at in either a B-1 or B-2 zone, at least that's an advancement. Our problem was that the building wasn't built. I think that we have to concentrate on new construction.

Mr. Russo: I think that you also have to look not only at new construction, but also existing buildings. Someone could modify an existing building as well.

Member Klare: I think that we should stay with 10000 square foot for any accessory use in the B-2 district.

Mr. Dowd: John Russo, Kristen and I can discuss some of these ideas, I can write something up, we can circulate them and see how you feel.

MOTION was made by Chairwoman Escallier to close the Planning Board meeting of August 20, 2018 at 9:50pm.

SECOND was made by Member Quinones

AYE Member Escallier

NAY: -0-

Member Klare

Member Quinones

Member Kelly

Respectfully Submitted: _____
Barbara Singer, Recording Secretary