

**PLANNING BOARD MEETING
DECEMBER 16, 2019
7:30PM**

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES NOVEMBER 18, 2019**
- 4. 1657 MANAGEMENT LLC
102-4-10, 11
DISCUSSION**

**THE NEXT PLANNING BOARD MEETING IS SCHEDULED FOR
MONDAY JANUARY 27, AT 7:30PM
SUBMISSION DEADLINE FOR THE PLANNING BOARD MEETING IS
MONDAY JANUARY 13, 2019**

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
December 16, 2019

Chairwoman Escallier opened the Village of Harriman Regular Meeting of December 16, 2019 at 7:30pm.

PLEDGE OF ALLEGIANCE

ROLL CALL:

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

Absent: Member Juan Quinones

MOTION was made by Member Klare to accept the Planning Board minutes of November 18, 2019.

SECOND was made by Member Kelly.

AYE Member Klare
Chairwoman Escallier
Member Kelly

NAY: -0-

1657 MANAGEMENT LLC

102-4-10, 102-4-11

DISCUSSION

Present: Joseph Pfau, Pietrzak & Pfau, Engineering & Surveying PLLC; Steven Brown, Applicant.

Mr. Russo: The applicant is here for a discussion involving a 42-unit, two building apartment complex. We recommend a long form EAF be provided for the project, the applicant use the DEC mapper, some of the responses will get changed from what was submitted. The applicant will be required Department of Health approval, Orange County Sewer District approval, Department of Transportation for the entrance off Route 17M. The applicant will have to seek approval from the Village Board for water usage. The location map on the plan should be revised, it's indicating the wrong lot. The parcels are bisected by the zone line. The lower portion of the site is within the B-2 zone and the upper portion of the site is in the RM zone. The apartment buildings and a good portion of the parking associated with the buildings are in the RM zone. They show a proposed parking lot in the B-2 zone that consists of 33 spaces. The project required 105 spaces. I question whether or not the parking lot located at the front of the site is allowable. B-1 zone does allow for accessory use as a parking lot, B-2 references B-1 as far as being allowed to have the same accessory but both the B-1 and B-2 zones are commercial business. Here we are dealing with a residential district. So, is the parking lot allowed?

Mr. Dowd: That also ties with the division of the property by the boundary line and how far into the B-2 zone can the RM project itself. In the Village code 140-8 (D) "Where a district boundary divides a lot in a single ownership, the regulations for either portion of the lot may, at the owner's discretion, extend to the entire lot but not more than 30 feet beyond the boundary line of the district". So based upon the map, which is showing the parking lot in the B-2, you can extend the 30' of the RM into the B-2 but only 30', not to the lot line. Therefore, the accessory use parking lot for the residential doesn't seem to be allowed under that definition. That's how I read that statute, it's a very common statute in almost every municipal Code in this area. You're usually allowed to project only 30' across the boundary line.

Mr. Brown: Even with that statute of the 30', does the Code allow accessory use parking, why wouldn't we be that accessory?

Mr. Dowd: There are a few other things in the Code, 140-19 (a) " Each principle building shall have uninterrupted frontage upon a street or court; if frontage is upon a court, the least dimension of said court shall be not less than twice the average height of the opposite bounding wall". The question is whether this has

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uninterrupted frontage on a street or court. This may have to go before the Zoning Board for interpretation of what “uninterrupted” means. It would seem that it would mean that the frontage of that principal building should be upon a street or court, not a parking lot.

Mr. Stevens: What about Tondo? I’m curious because the last one that was approved was Tondo Circle and they have the same situation where they are in both zones. Tondo uses a roadway coming out onto Lexington Hill Road which comes down to Route 17M and he also uses the B-2 zoning for drainage and it appears that he used the 30’ or more to build his buildings into the B-2 zone; which we weren’t doing. We were simply looking to satisfy the parking requirement which is 2.5 per unit. I don’t understand how what you’re saying there could be a problem because we have access to the main road, it is one lot. It is a weird situation where you’ve got the bifurcation of the zoning through across my lot. We’re trying to figure out the best uses. That’s why we came in here with the minimal. We didn’t want to cram a commercial building down on the bottom because we didn’t feel that was the best use necessarily for that space, it seemed that would tighten it up.

Mr. Russo: There was another apartment complex, similar layout with the parking lot going around.

Member Klare: Four buildings

Mr. Hager: Sixty units.

Mr. Dowd: This is before my time here; I don’t know whether or not this went to the ZBA?

Mr. Russo: This was built in 2010.

Mr. Brown: The Code says this has to be built on a roadway?

Mr. Dowd: The Code defines court as “An open, unoccupied space, other than a required yard, on the same lot with a building”.

Mr. Brown: The way that we have it designed shows the parking area in the lower section, that’s off the road. The roadway continues up continuously from Route 17M to those two housing units.

Mr. Russo: Right now, you have two lots, I’m assuming that you’re going to consolidate the lots?

Mr. Brown: Yes, we are eliminating the lot line.

Chairwoman Escallier: What about B-2, requiring a business use?

Mr. Dowd: This is accessory to a residential use, as opposed to an accessory to a business use.

Mr. Russo: The only place accessory parking was talked about in the Code was business and commercial. It’s not talked about in the residential zone.

Mr. Dowd: I don’t know how you could say that you have accessory parking in the business zone but it’s accessory to residential.

Mr. Brown: We’re only talking about that because of the bifurcation of the lot with the zoning district. Otherwise, if that wasn’t there, we wouldn’t be talking about it. The parking lot would be acceptable without question.

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Mr. Dowd: What this means is that you can apply to the Village Board to change the zoning line. Until that line is changed, or moved, you're subject to the Code as it is now. The only thing that the Zoning Board can do is interpret where that zoning line is and what the meaning of the Code is in regard to the 30'

Mr. Brown: How do you feel about the conflict in 140-8 (d), where it says, "all of the other lot" "at the owner's discretion"?

Mr. Dowd: I don't feel that there's a conflict at all, there's a "but not more than" and that is a defining point of the clause. In other words, if you only had 30' then you could extend that all the way to the lot line. But because it's longer than 30' you can only go 30'. This is subject to interpretation, and for that you would need the Zoning Board of Appeals if you're not happy with what the Planning Board says. We could refer you. That is certainly your right to do that.

Mr. Brown: Would this Board entertain a dual use on this site? Business below and residential behind?

Mr. Dowd: How would you meet the parking requirements for the residential component? You would be at least 33 parking spaces short. There are other things that John (Russo) has and we need to talk about which include the open area that you're supposed to provide and possibly, depending on how many bedrooms you have in each unit, play areas for the children.

Mr. Pfau: As far as the open space and the playground area, is that something that can cross the lines, or no?

Mr. Dowd: Within 30'.

Chairwoman Escallier: It has to be open usable space where the building units are.

Mr. Dowd: There was nothing in your application that said how many bedrooms you're going to have in these units.

Mr. Brown: We didn't get that far, mainly because the parking requirements don't address bedroom count.

Mr. Dowd: in the Code, 140-19 (d) says "There shall be provided on the townhouse or apartment building site usable open space at the rate of 700 square feet per dwelling unit. For every dwelling unit containing three or more rooms, there shall be provided usable open space for an outdoor play area for children at the rate of 100 square feet per dwelling unit. Such outdoor play area for children shall not be less than 25 feet in its least dimension and shall be reserved and maintained by the owner or home association and may be suitably fenced or screen planted. Such outdoor play area for children may be counted as part of the required usable open space per dwelling unit". Usable space would not include a parking lot, but someplace the residents could sit out in their lawn chairs.

Mr. Brown: So that's 29,200 square feet, about ¾ acre.

Chairwoman Escallier: That was a challenge that Tondo Circle faced. The steep land prevented them from doing anything other than at the entrance of the units, they had play areas for the children there. Some of them became play areas for the children and others became exercise places. They had to be open, usable space.

Member Kelly: What is the size of each apartment?

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Mr. Brown: We penciled in 1200 square feet based on the footprint that we could put in there.

Member Kelly: I saw 600 feet. Did you change that?

Mr. Brown: 600 was inadvertently used for the density calculation. We meet the density requirements based on 2500 square foot per unit. These units would be 1200 square feet, 1/3 bigger than those in Lexington Hill.

Chairwoman Escallier asks that Mr. Russo continue his review.

Mr. Russo: let's say that the parking was allowed in the front, in the B-2 zone, 140-18 (a) says "In a B-2 District, no parking shall be permitted within 10 feet of a street line". The parking down there would have to be shifted further back, if it's found to be allowable. Usable space, you would need 3/4 acre, it has to be usable. There are one or two slopes on the property all around that is not usable by anybody. I'm not even sure how they are going to landscape and maintain it. Over at Tondo's what they did was they made walking trails, gardens, they flattened areas out. They had place where people could sit, walk. As the Chairwoman eluded to, the playgrounds for the children were in between the buildings, at the end of the buildings, they did right next to the buildings. Here the Code required 120 square feet per dwelling unit;" For every dwelling unit containing three or more rooms, there shall be provided usable open space for an outdoor play area for children at the rate of 100 square feet per dwelling unit. Such outdoor play area for children shall not be less than 25 feet in its least dimension and shall be reserved and maintained by the owner or home association and may be suitably fenced or screen planted. Such outdoor play area for children may be counted as part of the required usable open space per dwelling unit".

Mr. Brown: So, it would require 4200 square feet of pay area.

Mr. Russo; Yes. It's not saying that it has to be all in one location.

Mr. Brown: And the rest could potentially be like Tondo did and be walkways and the like?

Mr. Russo: Yes, but it has to be usable. It can't be steep slopes and it can't be parking lot. You are going to have to show sufficient fire flow and pressures. We need to make sure that you can get the sufficient pressure for fire flow. My plan doesn't show the district boundary lines at all as far as the zoning lines. My other concern is pedestrian traffic, how are you going to get them around? Someone might live in the lower building and want to get to the upper building. Do they walk through the parking lot to get to it?

Mr. Brown: There will probably be some kind of a sidewalk.

Mr. Russo: Another concern was the storm water. I saw where you have the stormwater in one corner but then the parking lot is lower and going out. The lower end of the parking lot is at 586, the bottom of the pond is 592.

Mr. Pfau: The intent, at this point, is for that storm water facility to treat the residential portion and then whatever we do with the parking lot we are looking to do some underground.

Mr. Russo: I think the big question is whether that parking lot is allowable down there. And how you are going to have usable area given the slopes.

Mr. Brown: Does the interpretation come from this Board, the Building Department? Where does it officially come from? To find out what this Board's interpretation is.

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Chairwoman Escallier: This is showing to be in the RM zone but there is a discrepancy. When I went to the Orange County tax maps, on the internet, it's showing both lots to be B-2. It doesn't show that one lot is RM and one lot is B-2. I wanted you to know that there is a discrepancy of what shows online and what this is portraying.

Chairwoman Escallier demonstrates on the site plan her thoughts of possible changes to the site to accommodate both the zone and the applicant's ideas.

Chairwoman Escallier: I think that John (Russo)'s observations are good, if you eliminate the lot line than you're only dealing with one lot. But we still have to deal with it as two separate entities at this point. My other concern was sidewalks. Will there be a HOA (homeowner's association)? What's going to happen when there is snow or ice?

Mr. Brown: This will be rental units with a single owner. There won't be a HOA. This will be handled the same way other complexes are owned by individual owners, like Harriman Woods is taken care of internally. The same way an HOA has a manger, I take care of all of my commercial property. We hire an appropriate service for landscaping, snow plowing for all maintenance so that our tenants don't ever have a problem. It's of high importance.

Mr. Pfau: To be clear, the stormwater is ok in the B-2 zone? It's just the accessory parking is not?

Chairwoman Escallier: Logistically, if I were one of the people living there, I wouldn't want to cross all that way just to park my car.

Mr. Brown: You wouldn't be, look at the parking up by the units. There are 35-37 parking spaces around each of the buildings, there are 21 units per building. There is ample parking in the lots of the RM zone. That parking lot in the B-2 zone was simply to qualify for your zoning; for your parking code of 2 1/2 parking spaces per unit. If we only had the upper units, and we eliminated down below and kept the buildings as they are and the parking as it is, it would qualify for 28 units. That's why we have the 33 parking spaces down below because we need 105 parking spaces for 42 units. That was the calculus to make this project based on what it is to work financially. I live here too so I want a project that makes sense, that's buildable, that is something not a dump, that we can all be happy with and proud of.

Chairwoman Escallier: So, whose using those 33 spaces?

Mr. Brown: They are there to simply qualify for the code. The 2 1/2 space requirement for the code.

Chairwoman Escallier: I don't know that they can exist by themselves. Because it's zoned B-2 and it requires a business use.

Mr. Brown: Right, and it's still part of the same section, block and lot.

Member Kelly: The exposure to Route 17M, are you going to have some trees along there to block the parking lot?

Mr. Brown: If it's allowed to have parking down there as we have it, we'd be happy to have a nice landscaping plan and have that screening. I think that would be nice. Part of the plan too is to be smart with the engineering, so we have some slopes on this that we'd like to balance the site a little bit. I also think that you'll have

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commuters just like at the Church. You'll have people that live at the top and they'll leave their cars down below to hop on the bus to go to the city.

Member Kelly: Do you know how many bedrooms per unit?

Mr. Brown: We thought two or three, I don't see making a one bedroom practical. Making a two or three bedroom with the size of the units, makes a lot of sense.

Mr. Russo: The code 140-19 (f) reads: "Apartment dwelling units containing two or more bedrooms shall not exceed 70% of the total number of units in an apartment complex located on a single lot". So, 30% would need to be one-bedroom units.

Mr. Brown: Lexington Hill doesn't have that. 100% of Lexington Hill is two bedrooms. They are exactly the same, from every unit to the next.

Member Klare: The ground floor units are smaller than the others.

Mr. Brown: The footprint is the same for all of the units, they may not have vaulted ceilings, but the square footage is the same. They all have two bedroom, two baths.

Mr. Russo: When was Lexington Hill built? This code was updated in 2010.

Member Klare: 1985.

Mr. Brown: With the parking requirement are 2 1/2 per with 30% have to be one bedroom, that seems like a little overkill with the amount of parking required.

Mr. Dowd: Again, you have the right to petition the Village Board for zoning amendments and with suggestions that it doesn't make any sense and if they turn him down then you can always apply to the Zoning Board for either variances or interpretations that may be favorable. Right now, as the code stands, you're kind of stuck.

Mr. Brown: Does this Board have the leniency or guidance on the amount of parking spaces required?

Mr. Dowd: No, none at all. It's either the Village Board for zoning changes or the Zoning Board for variance and interpretations. They cannot vary what's in the code right now.

Mr. Russo: In some municipalities the Planning Board has the ability to waive parking requirements, but not in this case.

Mr. Brown: Have you ever banked parking?

Mr. Hager: I think there's some reference to that in the PUD zone.

Mr. Russo: You have to show where you were going to bank it, and you can't say that you're banking it down below.

Mr. Brown: Ok because I was going to bank it in the B-2.

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Mr. Russo: I think the reason the Village went with a higher requirement on parking is that they've had trouble in the past with these locations. They have a number of visitors coming and then you have overflow parking.

Discussion regarding the Tondo Circle approval dates, code changes and parking.

Mr. Brown: The issue that I see here is twofold. Unless the lot was all RM or B-2 that would make the determinations a lot easier, obviously, I bought the lot knowing that. And knowing that this was a potentially difficult situation. As drawn this way, we could build 28-29 units up top with the parking that we've shown if we could demonstrate the play area of 2800 square feet and the usable area of basically 20,000 square feet, now we require a half acre up top out of 110,000 square feet of usable space and then down below 58,000 square feet.

Mr. Pfau: You and 1.3 acres of B-2 land.

Mr. Brown: And what is our allowable building square footage on that? Do you know?

Mr. Hager: In the B-2, the maximum density coverage is 50%.

Mr. Russo: Anything impervious would be considered coverage. Here it's just the building.

Mr. Brown: How can I be held to the fire for the zoning bifurcating my lot horizontally and being told that I can't use that for parking even though it's the same section, block and lot; and you can't use it for business because you're going to build something residential up above. If it's two things, it's two things; but if it's one, then it's one. There has to be some call to reason.

Mr. Dowd: If we horizontally divided the B-2 along the zoning line, but then his residential wouldn't have road frontage. You need 100' road frontage. I think that's it's apparent that you're going to have to rethink this.

Mr. Russo: Even though it bifurcates horizontally, you can still have 30' one way or the other on that line. So, if you went up the hill 30' and wanted to extend the B-2 into the RM.

Mr. Brown: Are you allowed to have multiple uses on the same lot? We're being told that we have to put a use on the B-2 lot.

Mr. Hager: B-2 allows for multiple business uses on the lot.

Mr. Russo: So, the question is, if these two lots are combined, can they have multiple uses on them because they are bifurcated by the zone line. A business use on the lower portion and a residential use on the upper portion. Or does he have to subdivide the two zones after eliminating the lot line.

Mr. Brown: There are two things that are curious to me. (1) the wording of the 30' beyond the district boundaries, it plays with the ownership of the entire parcel as if I have some choice in something when in fact, maybe I don't, maybe I do. You're telling me that I can't have parking down below because I don't have a business use there, so I can't use that as part of the calculation. Now the question is, I'll put a building down there, a 10,000 square foot building, with the appropriate accouchements with parking and everything. If I was forced to, or if it was prudent to do a business use down below, and to do the RM up above, I would keep this as two separate lots, we would change where the lot line is but I would designate the lower lot as one section, block and lot with business use and the other as RM. That just makes more sense, it would be two separate entities, I wouldn't comingle the two for variance reasons.

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Member Kelly: But wouldn't you have a problem with the parking? How many units would you have to eliminate?

Mr. Brown: We have to reduce the number of units in the RM. Right now, in the RM zone we are demonstrating 72 parking spaces, which is only sufficient for 28 units. That's why we were trying to do 42 units by adding the additional 33 spaces down below. If we have a parking area down below that we can use for business use. We would have to cut off 14 units out of the apartments which breaks my heart or make larger units.

Mr. Hager: Were you planning on three stories to get that number of units? So, you might get it down to two stories?

Mr. Brown: We were planning on three stories, two stories doesn't help me, that doesn't provide savings. Maybe one larger building.

Member Kelly: Could you make three-bedroom units?

Mr. Brown: We could have done all three-bedroom units but there's the 30% rule, which will mean if we have 30 units, 9-10 units will have to be single bedroom units. I guess we'll make one-bedroom units with an office or den, no closets.

Mr. Hager: Do you have to put in a certain number of handicap accessible units in? I thought that anything over 4 units you had to provide a certain number of handicap accessible units.

Mr. Brown: Not unless there's a restriction from the Board. We're not asking for any funding, so we don't have any requirements for that. We do have ground floor units.

Member Klare: I don't think that the ground floor units have to be handicap accessible. I think you only need one per building.

Mr. Dowd: On a new building, how can you not have handicap accessibility? If someone comes to you and wants to rent your space, you can't say no.

Mr. Brown: We have ground floor units. You have to rent to them. The rule, I believe is, they might be required to put the infrastructure in or change certain things as a tenant. You can't deny a tenant space. The landlord isn't required to put the handicap toilet in, the tenant would be, I believe.

Mr. Hager: A certain number of units have to be able to be converted to accommodate anyone with a disability. If there's no market for them, then they're not going to be accessible. But with very little work, they can be converted.

Mr. Brown: I'm saying there's not necessarily a requirement on something that's built that isn't handicap accessible. I'm a broker so I understand the discrimination laws. You can't discriminate against anyone for any of those reasons or protected classes. If somebody comes in and says that they want to rent the space, we couldn't say no because they're handicapped but they could make that choice themselves to fix the apartment to how they need it and then return it back the way it was upon their leaving. I believe that's how the law works.

Mr. Dowd: I don't know about that. I don't think that's how that would work, but right now we have to figure out what you're planning on doing with the property.

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Member Kelly: What do you want to build? You've heard what the definition from our lawyer and engineer, now you say I'm thinking about building a Starbucks. You say you're thinking about building less apartments at the top of the parcel and possibly put a business down in the B-2.

Mr. Brown: If that's the only thing that we're able to do, that's what we would choose to do. If there's an easy route to get the volume of apartments that I need for this viable financially, then we'll go that way. If talking to the Village Board could rezone something or make a change easily and we could get it done in a reasonable period of time, and then before this Board with a different set of circumstances, that would make sense. This board is held to the standard of the Code, you have no leniency as far as waiving parking requirements on anything. That's not something that this Board is able to do.

Mr. Russo: No, this Board is not able to do that. The Zoning Board would be the Board that could issue a variance for parking requirements. We can't find anything that speaks specifically of having more than one use on a lot but under section 140-34 (e) "computation of required spaces" it states "When more than one permitted use is located on a premises, the number of required off-street parking spaces becomes the sum of the component requirements. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Planning Board may reduce the total parking spaces required for that use with the least requirement".

Mr. Dowd: It would seem to indicate that you could have more than one permitted use. Under your premises is cut by the zone line, it would seem that you could a commercial use down below and a residential use above. As long as you meet all of the other requirements under those particular zones.

Mr. Brown: How about a REA (reciprocal easement agreement) for the parking?

Mr. Russo: This is only speaking about how to compute the parking requirements. It's the only place that I can see that says if you have more than one permitted use.

Mr. Brown: If we have more than one permitted use, let's say we have a small commercial building down on the lower section, where we are required to have 7-8 parking spaces for that particular use, but we provide 33 or more parking spaces.

Mr. Russo: Well, there is another paragraph, 140-33 (b) "Required off-street parking spaces may be located elsewhere than on the same lot with the use to which it is appurtenant, provided that it shall be in the same zone as the use to which it is appurtenant, and further provided that it not be more distant from the principal entrance or entrances to the structure it serves than 200 feet in the case of a B-1 or R-M use, 400 feet in the case of a B-2 use and 800 feet in the case of a manufacturing or industrial use, and provided that all such space, through ownership or permanent easement, is under the control of the owner or operator of the use to which such space is appurtenant".

Mr. Dowd: This is one of the parcels that have useable space in more than one zone.

Mr. Brown: Tondo's parcel is in both zones but he has maximized what he was able to do. He did what I was planning on doing with parking and stormwater retention. What if we put everything up in the RM zone and our stormwater down below, we're not required as part of the site plan application to build something in the B-2 zone, are we?

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Mr. Russo: No, you're not required to build anything. We're not saying that you have to put a business there. If you want to build the residential up above, just put your stormwater down there, that's fine. Stormwater is not regulated under the zone.

Discussion regarding the topography of the parcel and stormwater management.

Mr. Russo: Just take a look at what you're going to do with your stormwater from that pond; the state's going to take a hard look at it also. What culverts stormwater in the area because there were a number of improvements that had to be made by Concord Park in the state right of way.

Mr. Brown: If we did that, it would be a commercial use, it would have its own entrance, its own lot.

Mr. Russo: It may, but the state may also want a shared entrance. They may want to limit the number of entrances.

Mr. Pfau: Right now, we have two lots so we should be able to get two curb cuts.

Chairwoman Escallier: Either way, the parking has to move because its not enough room for the envelope outside. The closer that it is to the other two, the better.

Mr. Russo: If you reduce the number of lots, you have more room up above to grade out to provide the usable areas and it would be less because you wouldn't have the 42 units.

Mr. Brown: If I cut off those units, there would be a lot more usable space, if we kept them at the same size. Which I wouldn't, because if you have to have one-bedroom units, why would I make a 1200 square foot one bedroom?

Chairwoman Escallier: I don't think it's a bad idea to present this to the Village Board because if you're the owner of the entire lot and it happens to be two different zones, why can't you have four lots that are continuous to each other and can be used for one purpose. You would have to present that to the Village Board because the way it is now, we have our hands tied and we can't make that decision here.

Mr. Brown: Do we have a clear understanding or answer on the two uses? Because we have the business zone down below and the residential up above, if we can conform to the RM parking requirement and everything that we need in the RM and having the business use down below, building a building down there. Is that a site pan that can be done here?

Mr. Russo: I don't know because all that we've found here is in the computation of parking requirements.

Mr. Hager: It says in the R100 district, the only permitted use in that district is single family dwellings not to exceed more than one dwelling unit per lot. In that instance, the code has specifically spelled out in that district for that use that one is the limit. They haven't gone that far in other tables to dictate one. So, that could factor into the interpretation of whether you can have two uses on the same parcel.

Mr. Dowd: I don't see anything that says you can't do that. Based on the computation, it sounds like you have more than one permitted use on a lot. They are both permitted in that zone, on that particular lot.

Mr. Hager: When it comes to commercial uses, the code is clear; you can have more than one commercial use on a parcel.

Mr. Dowd: In this case, it would be one commercial, one residential use on the same lot. It's really the zoning map that controls the zoning district lines.

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Mr. Pfau: If for some reason, we did cut this lot and created a B-2 lot would there be an issue with access getting in, having an access easement? You allow access easements as long as they make sense?

Discussion regarding stormwater, entryway off Route 17M, access easement and lot line changes.

Mr. Russo: I think we would want to keep the access road with the RM, but you may have an easement over the RM to get to that because you're not landlocking it. It has access but if the state comes back and says no you can't have a separate access for this, you could possibly give yourself an easement. Once you develop something further, you may want to sit down with the state and have an informal meeting with them and get their thoughts. A lot of times they try to limit the number of access points onto their roads. As far as the lots being bifurcated by the zone lines, I really don't see any other parcels beside this one and Tondo's.

Member Kelly: You're going ahead with one lot though?

Mr. Brown: Under this plan, we were eliminating the lot line and it would have been one lot, one use, all residential and parking down below to meet the code. Based on the code's parking requirements and now that we have to have 30% of the units as one-bedroom, maybe the Village Board would give some relief on the parking.

Mr. Dowd: The Village Board could change the parking requirements to 2 or even 1 ½ per unit.

Mr. Hager: The Village Board recently rewrote the code for the PUD zone, and I believe that they gave some relief for the parking in that zone. I think that the last developer that approached the Village Board about making changes, got them to agree to some reduced parking requirements in the PUD. If you look at those, that might give you an idea of what might be considered by the Village Board as a change. I do know that they're pretty strict about the parking, they've had problems in the past. They are not going to easily change the code, where the Zoning Board of Appeals you can demonstrate a hardship. Have the roads and parking lots been designed for aerial fire apparatus access? Also look at the maximum dimension of the building from the apparatus set up area and the minimum.

Mr. Brown: We are 26' turnaround. I am on the schedule for the Fire Commissioner's meeting on Thursday. I wanted to get some feedback from them about this plan.

Mr. Hager: Speaking again to the question of two uses on one lot, looking at the R100 and the fact that they specifically state one dwelling per lot. If someone came to me asking for a building permit to put a second house on a large lot, in that district, if it weren't for that language, I could probably authorize it; but since that language is in that column, I can't. That language doesn't show up in the other zones.

Mr. Dowd: Three's also the general maximum zoning law, if it's not permitted, it's prohibited. If it's not specifically allowed, it's prohibited.

Mr. Brown: The interpretation that would be valuable to know, is if two uses, if because we have the B-2 and the Rm, if we can use the lot accordingly. Or if I just did the subdivision.

Mr. Russo: If you did the subdivision, there'd be no interpretation.

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
December 16, 2019

MOTION was made by Member Klare to close the Planning Board meeting of December 16, 2019 at 8:45pm.

SECOND was made by Member Kelly.

AYE Member Klare
Chairwoman Escallier
Member Kelly

NAY: -0-

Respectfully Submitted: _____
Barbara Singer, Recording Secretary