

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
December 18, 2017

Chairwoman Escallier opened the Village of Harriman Regular Meeting of December 18, 2017 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 Stanise to accept the minutes of November 20, 2017.

SECOND was made by Member Zwarycz

AYE Member Escallier

NAY: -0-

Member Quinones

Member Stanise

Member Zwarycz

Alternate Kelly

CEDAR HILL ENTERPRISES

102-4-1.222

DISCUSSION

Present: Michael McGovern, LAN Associates, Engineering, Planning, Architecture Surveying, LLP.

Mr. McGovern: I am representing Mr. Raymond Nieto. He just recently purchased the property identified as 102-4-1.222, it's diagonally across from the new Fire Station and Short Street, on the south side of Route 17M. The lot is 1.09 acres, heavily wooded, and has an aggressive slope from North to South up toward Lexington Hill Condo complex. It's located in a B-2 general commercial district which is allowable for retail business and professional offices. Mr. Nieto is doing feasibility studies which are the plans that you have before you, in terms of how the property can be developed. We are proposing constructing a single story, roughly 7500 square foot, it will be located in the back of the site. Respecting all of the setbacks in the front, side and rear yard setbacks with the parking in the back portion of the site. Right now we are in receipt of Mr. Russo's comment sheet, I don't take any exception to any of them. We are trying for an Adirondack style, pitched roof, wainscot of stone, maybe, asphalt shingles for the roof. Mr. Russo has gone through the bulk ordinance and he picked out a couple of things that we may need a variance on, but I'm here to tell you that we are going to try to do this project without going for any variances so if we have to reduce the size of the building to fit it within the setbacks. Right now we have the roof overhangs a little bit over the setbacks. The ordinance allows for a 10% overage. In other words, 10% of whatever the allowed set back is what you're allowed to overhang. The front works, but the side, East, I believe, doesn't so I could just make the building a little bit smaller. The issue with Lexington Hill Rd West, I will probably pull the parking in off of that side yard just to make it work. Our goal is to work with the zoning ordinance and not really need any variances. With the exception of a couple of minor things, it's all right.

Discussion broke out over the name of the applicant, project name. It was decided to call it Pavilion Contracting as they are the owner of the property.

Mr. Russo: The application is also unsigned.

Mr. Dowd: What types of use are they thinking of putting in there?

Mr. McGovern: I was supposed to sign the application on the owner's behalf and I forgot. I think the owner is thinking of putting retail stores in the building.

Mr. Dowd: I think that the application should reflect that.

Mr. McGovern: I can redo the application to reflect those two changes.

Mr. Russo: As the project progresses I will need you to submit SEQRA documentation. I have talked about front yard, side yard setbacks, and had also brought up to question the parking along Lexington Hill Road West. In the Code it states that you're not allowed to have parking in a B2 district within 10' of a street line. That would reduce the parking count that they have by 5 unless you can reconfigure the parking on the site or if you reduce the building. Based upon the current parking, you would need, but if you're going to reduce the building site, that reduces the parking and the number of handicap spaces required. Fifty or lower, you only need 2. I would like to know where the topography was taken on this.

Mr. McGovern: The USGS data site. It was extrapolated from them. The survey that we're working off is very old, 2002. We are planning on redoing it. Indicating the entire infrastructure and reshooting the topography.

Mr. Russo: That was part of my comments also. As far as the existing utilities and how are they going to connect. They will have to seek approval from the NYS DOT for the entrance onto Route 17M. Approval from Orange County Sewer District for a sewer connection. We want to see the proposed grading for the site, profile for the entrance road, what they plan to do with storm water from the site, landscaping, lighting, signage, and all construction details.

Mr. McGovern: When you say all pertinent construction details, you mean for the site development? But not for the actual building, that would be a separate application to the Building Inspector.

Mr. Russo: Site development but also whatever DOT requires.

Mr. McGovern: At this early stage I knew all of this would be required but I was just wanted to discuss this first.

Chairwoman Escallier: Do you know if Mr. Nieto has any perspective tenants?

Member Zwarycz: Would it be safe to say if that one tenant wanted to take the whole building, that it would be a possibility?

Mr. McGovern: I don't know about tenants, anything is a possibility. As a businessman, I'm sure he'll make a decision if the right client comes along.

Chairwoman Escallier: You're willing to reduce the size of the building to accommodate the setbacks? And you will let us know about the appropriate landscaping plan?

Mr. McGovern: Yes. This is the first step, it's showing the buffering that's required for an 8' stagger with 5' high spruce trees. I will submit a detailed landscape plan with signage. The signage can be backlit, according to you Code.

Mr. Russo: When will you be getting the surveying done?

Mr. McGovern: After tonight, it seems like it's favorable, in terms of what you're seeing and I'm hearing, I will talk to my client tomorrow. He's anxious to get started, so he'll probably retain us and we'll get started.

METROPLEX

108-2-7.1

DISCUSSION

Present: *Jeremy Valentine, Lehman & Getz; Tyler, ESI; Richard Krabbe, Regional Director, Martin Brower.*

Mr. Valentine: I received Mr. Russo's comments. Right now, it's just to get the Board's feedback and I have a few questions to see how the Board feels about certain things that we're doing with this project. They are looking to expand; they have two options right now. In the front of the building would be dry storage and in the back of the building would be possibly refrigeration. Business is doing better good; they need to expand their storage due to some changes that McDonalds has with frozen versus unfrozen products. So we wanted an expansion in the back for the freezer. If we do the back, I know that we'll have to get the Village of Woodbury involved. We're not sure how they're going to go, either the back expansion or the front or both. We'll see how the Board views those options today and we'll go from there.

Mr. Russo: What is going in the back? What is Phase 2? There's no office space?

Mr. Valentine: If this was to be built, it would be refrigeration. The whole addition would be a giant refrigerator. The addition in front would be dry storage, in addition to the warehouse itself. No there is no office space. They have plenty of office space from the previous addition that we did a number of years ago. They are looking to do just the warehouse itself. With the addition, they will have some increase in employees, which we have shown. They will have nine additional routes. There will be a small increase in the trucks going to and from the site. They are going to have ten more trucks, nine shuttles per day, and six days per week. It's not a giant increase from what they are doing now. My question was if the Board felt if a traffic study would be required for this small increase in trucking.

Mr. Russo: I don't think that's necessary. Do you know what time the trucks are coming and leaving?

Rich: They are coming throughout the day. The inbound are spread out throughout a 24hour period.

Mr. Russo: So it's an additional ten trucks over a 24hour period? That's not going to have any impact.

Rich: Yes.

Mr. Valentine: One question I had was the Code said the front setback would have to be along the Route 6 side. On previous submissions, we have always said that Commerce Drive South was the front setback. The additions fit either way, I want to make sure that I'm showing it the way everyone feels comfortable with and legally there are no issues. On a corner the shortest road would be the front setback, and opposite that would be the rear. I just wanted to make sure that the Board was comfortable with the front being Commerce Drive South.

Chairwoman Escallier: That's fine.

Discussion broke out regarding the interchange at Commerce Drive South, Route 17M and Evergreen.

Mr. Valentine: We submitted renderings of what the building would look like. One of the big questions that we have is the office now has the stucco facade on it, where the warehouse doesn't. What we're bumping out will be even with the office space; one of the options that we are looking at doing is instead of having a stucco facade on the warehouse side, they are looking to install in insulated metal panel.

Tyler: This is an insulated metal panel that looks like a stucco finish. It would be a white panel to match the office color. These panels are 42-44" wide. Probably 4" thick for the building.

Alternate Kelly: Are they fire retardant?

Tyler: No.

Chairwoman Escallier: Does it repel the noise?

Tyler: Yes. On the North side of the warehouse there is already refrigeration. The additional refrigeration will be going inside the existing refrigeration unit. It's just upsizing. One of the deciding factors, depending on how the Board feels, if they don't do the refrigeration outside, then they may have to do it inside. Instead of just regular refrigeration they need deep freezes instead. They want to see what the Board's opinion on the two options would be. We would also be submitting to Woodbury but a lot of this work would be in Harriman. We would think that Harriman would probably declare itself Lead Agency.

Mr. Hager: I did have a discussion with the Woodbury Building Inspector and he was in the opinion that when this was originally approved that Woodbury's Planning Department had deferred the review to us and he felt that although he can't speak for the Planning Board, if a waiver is requested it's likely that the same scenario would come up and the Woodbury would defer to this Board. It sounded after speaking to him that there's a good possibility that there may not need to be a separate review.

Mr. Valentine: Either way, if we do go forward with the freezer expansion we will be submitting plans to Woodbury. We're trying for the lead Agency to be in Harriman because most of the work will be here.

Chairwoman Escallier: Will there be sufficient parking?

Mr. Valentine: Yes, 116 are required and we have 126 provided.

Mr. Russo: As far as the building permit in Woodbury, would they defer that to Harriman or is that a joint permit?

Mr. Hager: The opinion of Gary from Woodbury is that he looks at this building in Harriman. There are other sites on that road that fall mostly in Woodbury and he handles that one. It's a tradeoff It didn't sound like he was interested in doing the Building Permit either, or splitting the building permit application. I think he's in the opinion that we would handle it and the whole building would be ours as far as inspections, fire safety, periodic inspections, everything. That's his department and he can determine that but the Planning Department is

independent from him so based on past experiences, Gary's been in Woodbury for 30 years, I think, he thought that's how they had handled it in the past there. But with different Board members now, it could be a different opinion. Certainly worth some conversation with that department to find out if they would entertain that.

Mr. Russo: Does anyone on the Board have any concerns about the back freezer?

Chairwoman Escallier: My only concern was the noise.

Mr. Russo: Is there going to be additional lighting in the backside there?

Mr. Valentine: There will be a lighting plan. And a landscaping plan, that's what we typically do. We wanted to get some feedback regarding the siding and a traffic study being required and the additions themselves from the Board before we do a full design.

Chairwoman Escallier: I don't know that there's any difficulty right now with parking or stagnant trucks staying there overnight. I don't think that this site has that problem.

Mr. Russo: I believe it was 2008 when you were last here, but they did a whole expansion in the west side where you see all of the trailer pads. That whole parking area was expanded out to ensure that they had sufficient parking off of the road.

Mr. Valentine: The office got bumped out and the parking lot in the front of the building was built for all part of that addition, back in 2008.

Mr. Dowd asks Mr. Valentine to resubmit his application paperwork so that the involved parties are consistent throughout.

Discussion regarding the amount of escrow deposit should be required ensued. It was decided that \$1500, as customary, would be appropriate. If this needed to be changed, it could be discussed at that time.

Mr. Russo: If you could fit the freezer inside the building and avoid having to build that wall.

Mr. Valentine: It's a lot of work to make it do it inside the building, that's the problem.

Chairwoman Escallier: If you build it inside, would it take away from the people inside and their workspace?

Mr. Valentine: They have a freezer, it's more cold storage now, and they need a deep freeze.

Rich: They need additional freezer space and in order to get that one option is to build the dry storage on the south end of the property and then they can move some of the dry storage from within the building into the expansion. They could then build a freezer in the dry storage space inside the existing building. It may be more cost effective for Martin Brower if the freezer is built on the north side of the existing building rather than inside. That's why there are two expansions shown.

Mr. Valentine: We just wanted to make sure that the Board had no issues with either addition. It's within all of the zoning codes. The Board has no issue with this type of material?

Mr. Russo: No.

VILLAGE VIEW
101-1-1.31
RESOLUTION

Present: Jay Myrow, Blustein, Shapiro, Rich & Barone, LLP

Mr. Dowd: I had asked that this be added to the agenda because I wanted all of the Board members to see the Resolution that I prepared. This has both the comments from John Hager and John Russo as well as the Mayor. It went through a couple of revisions. I sent it to Jay Myrow last week; I don't know if he has any comments. The other reason that it be put on is because I received a call from the Mayor last Friday in which he was indicating, you know that we had waived the sidewalks on one side of the street, especially in the inner circle, he is now asking the Board if they would consider leaving the sidewalks in the entire development out. That is a substantial cost savings to the applicant but it was also since the bus doesn't come into the development, the town road that it connects with doesn't have any sidewalks, it doesn't stop at the corner, it seems to be sidewalks going to nowhere. I think he's been talking to your client as well, I'm not really sure. Certainly he wanted me to bring it back to the Board as to whether you would consider leaving the sidewalks out in the entire development. Ultimately it becomes a liability for the Village, while you can pass away snow clearing to whomever's frontage it is but cracked/broken sidewalks tend to be claims against the Village. Since in this particular development they seem to not go anywhere or connect with sidewalks anywhere else, he wanted you to consider that. That's why I asked Jay to come also to find out if you had any comments on the Resolution. The resolution was approved subject to seeing it in writing; these are all of the conditions that we did put together. Since the applicant has no objection, it will stand as it is but this issue with the sidewalks now comes up.

Chairwoman Escallier: Personally, I do not have any problem with not having the sidewalks. It will be better for the developer, the Village doesn't have to worry about it, there's no HOA, so who else is going to take care of it? The Village would have to take care of it. This will be helpful to both sides.

Member Zwarycz: Technically we are not going to enforce if people don't shovel and maintain it.

Mr. Dowd: You would be surprised; there are mechanisms in doing so. Usually the Code Enforcer goes around and could give them a ticket of some sort.

Mr. Hager: The Village Code is clear that the maintenance of the sidewalks is the homeowner's responsibility however; it's rare that you see these things maintained. If the Village did get involved with removing snow from the sidewalks, it is remote from the rest of the Village areas. Equipment would need to be hauled up there, and regardless of who maintains it, they are on Village property.

Mr. Dowd: I'm assuming that your client would not have no objection if this Board decides to waive the sidewalks?

Mr. Myrow: I can only assume that because I have done my best all day to reach my client, but I was unable to do so. I can't imagine that there's going to be an objection.

Mr. Dowd: You would have to have the plans amended to show no sidewalks. Last time this Board waived by motion the sidewalks on one side and then we did the formal resolution for the subdivision that didn't include the waiver in it. If you want to follow through with it now you can do a further waiver of the sidewalks within the entire development, it won't affect the final resolution that you have in front of you.

All Board members agree to waive the sidewalks

***MOTION** was made by Member Zwarycz to waive any construction of any sidewalks within the entire development.*

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

***AYE:** Member Escallier*

***NAY:** -0-*

Member Quinones

Member Zwarycz

Member Stanise

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

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

***AYE:** Member Escallier*

***NAY:** -0-*

Member Quinones

Member Zwarycz

Member Stanise

Respectfully Submitted: _____
Barbara Singer, Recording Secretary