

VILLAGE OF HARRIMAN PLANNING BOARD MEETING

Regular Meeting

January 23, 2017

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Chairwoman Escallier opened the Village of Harriman Regular Meeting of January 23, 2017 at 7:30pm.

PLEDGE OF ALLEGIANCE

ROLL CALL:

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

Absent: Kevin Dowd, Attorney.

MOTION was made by Member Klare to approve October 17, 2016 Regular Minutes.

SECOND was made by Member Stanise.

AYE: Member Irma Escallier

NAY: -0-

Member Zwarycz

Member Klare

Member Quinones

Member Stanise

Right Choice Builders LLC

101-2-1.12

Discussion

Present: David Niemotko, Architect, PC

Mr. Niemotko states I would like to thank the Board for coming out and allowing us to start this process. This is a project that we are proposing for this site; basically it's a three story building. The lowest story is mostly submerged underground with two stories above it. We made a huge error in classifying the building, if you note on the plans it says industrial building but that is not what we are proposing. We are definitely proposing a business/commercial use with storage as an accessory use in the B2 zoning code. It will all be under one structure. And for shortness of time, John Russo's comments are all correct. We need to detail the project so much further. These plans were to show the project and to show that some planning was involved and that we're not just proposing something. There has been some design and thought behind it. The upper level, the top level, would be the commercial space with all office in it. The levels below that would be all storage. The ground level, if you will, towards the front of the building, I'm pointing to the South side of the building that would be the intermediate level, the North side of the building would be the lower level, and the top would be the commercial, which we are talking about. The owner is going to build the project; we don't know who the tenants would be yet. The tenants will have to fit the building. For the purposes of approval we can design the inside of the building, maybe eight spaces or eight areas of storage of warehouse on each level, creating sixteen different warehouse or storage areas with sixteen different office suites above controlling those. For purposes of approval that may reduce in number I seriously doubt that's going to increase in number. It will be all non-combustible material building, steel, concrete, concrete foundation. We are proposing a sprinkler system, John's comments are absolutely right; this is something that we need to discuss further. The location of that 8" waterline, whether the town wants that water line crossing the road or not we can discuss that further. The owner does want a sprinkler system for the building if this is at all possible. The lower and intermediate levels those are loading dock areas; they will be 4' above grade so a truck could back up and they'll be able to bring the material into the truck for storage. We're not talking about large trucks. According to the owner they will be about 25-30' maximum. I did lay out the radius's to show how a 30' truck can easily make the turn. There are other considerations that John brought up; we definitely need to further design that.

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Member Klare asks is this going to be strictly storage, there will be no working in there?

Mr. Niemotko replies there will be no processing, no working.

Mr. Russo states we can put notes on the plans with restrictions, like no processing, no manufacturing, just to ensure that future tenants know, it's on the plans, it's there.

Mr. Niemotko agrees.

Member Zwarycz asks what elevation are the loading docks on because I don't see any room for 30' straight jobs to come in here and back up. Are the docks ground level? Drive in? You only have 43' from the edge of the building, is there enough room to swing a truck in there?

Mr. Russo replies no and that's one of my comments

Mr. Niemotko the finished floor would be at 4' above grade. This is what the owner would like and we realize that there is going to be more work involved with it. From the owner's stand point, he's thinking in a singular motion, one truck coming around, unloading then backing out and going. We did have a little bit of a discussion about that, and John's comments are absolutely right and that needs to be tweaked a little bit more.

Mr. Russo replies it's my concern that if you have sixteen companies up there, you may have multiple trucks backed in to these docks and no way around the building whatsoever.

Member Zwarycz replies there's another neighbor that's supposed to have six or seven trucks a day, the other day had probably seven trucks lined up at once. That's a big concern of mine. This has room for a bottle necks with this many businesses in there. That's my first observation.

Mr. Niemotko replies we welcome the feedback. We want to start on a productive course from this point on.

Mr. Russo states traffic generation is something else we would like to know. How many trucks, cars in and out of the site. I understand he doesn't know who his tenants are; I could look at the trip generation books from ITE and get some ideas.

Mr. Niemotko states right now we're proposing eight bays per level, so that's a total of sixteen bays for the storage areas. Fortunately we do have sewer in the back, it is in an easement. It's on the utilities plan. The elevations do work out. Just to show that it is feasible that we can have bathrooms on each level, going out and meeting the elevation level of the existing sewer manhole. We show cross sections through the site and through the road to meet the slopes and for the most part they are within the design parameters and they do need to be further designed. We do propose lights on the building and along the new road coming in and the photo metrics and we will further design those and we are welcoming your comments on that.

Chairman Escallier states I have a question about the owner. Do we know their name?

Mr. Niemotko replies Yoel Liefer of MYL Investors LLC.

Chairman Escallier replies do you know the positions of the President, Vice President, and Secretary? That was one of the big questions that I have, the LLCs need to identify themselves with at least that information. And my other question is do you know at any point and time how many businesses you are going to attend to?

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Mr. Niemotko states I can find out the names for you. And at this stage we are proposing sixteen and in my view that is the max. I could see that reducing in size. Based on your feedback right now, I have a basis to go back to the owner and say this may not be good, we may need to reduce the amount of tenants.

Chairman Escallier replies so the idea is that you're receiving goods and then taking goods out.

Member Stanise asks on a continual basis?

Mr. Niemotko replies yes, I would say so. I don't know who the tenants are going to be. He's going to build this and the tenants are going to have to fit the requirements of this project. It could be continuous or it could be sporadic.

Chairman Escallier asks what kind of items are we discussing?

Mr. Niemotko replies I'm not sure but it would be stored items, it can't be hazardous, flammable, and combustible, they would need to be dry goods order. We can limit that on the design plans.

Mr. Russo adds we want to be sure that there's no processing. We have other commercial areas in the Village that they actually bring in bulk and they process it down to smaller packages and then send it back out. They came in saying more or less that they were warehousing and actually it's processing which then falls into the other category of nothing larger than a 10,000 square foot building, 20' high.

Mr. Niemotko states from a design stand point I agree with that. We need to limit that. And I made that clear with the owner that this isn't a light industry type of facility, this will be warehousing with office suites above and he agreed.

Chairman Escallier replies if it's light industry, that's one thing. If it's warehousing, that's another. We have to stick with what you're presenting.

Mr. Niemotko replies that would be warehousing.

Mr. Russo states we will add notes because it's more or less one of those buildings that he's building suites and where he's saying it could be sixteen offices, one client could come in and say I want those three offices combined.

Chairman Escallier adds in the event that something happens down the line after it's built, and it's obvious to you that it has to become light processing, and then you have to come before us again.

Mr. Niemotko states absolutely. With the Board's permission, we did not include the storm water design and if the preliminary concept of the site is okay with everyone we would like to continue to have the engineer do the storm water design because they did the onsite testing and again with the Board's permission I would like to continue technical correspondence with John so we can continue with the design process and start to revise it.

Chairman Escallier asks Mr. Russo, are you fine with that?

Mr. Russo replies yes, he would like to have consultant meetings like we did with PL Group. The only other thing is you need to get in front of the Village Board with regards to the water and find out if they want any of it. If they don't want any of it, you can amend your EAF further because you won't need Orange County Department of Health approval. That's the only thing on there for Health Department approval on the zoning, at that point just a service line.

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Chairman Escallier asks we don't need to know who their electrical company is?

Mr. Russo replies yes that's one of my comments.

Chairman Escallier states if there's nothing further I would like to let you know that our next meeting is February 27th and the dead line for submission to be on the agenda is February 13th.

Mr. Niemotko replies yes we will try to make that deadline. I would like to revise the plans that you have in front of you. In addition to that, I hired Sparaco and Youngblood to do the storm water design and the report and I would like to have a technical session with John before we revise the plans so we're all on the same page.

Chairwoman Escallier replies we want you to take your time and we appreciate you communicating to us what your ideas are and what this project is going to be because if we don't communicate we're not going to get anywhere.

Mr. Hager states you mentioned that the tenant's space would be commercial and the storage spaces two stories below, so the scenario wouldn't present itself where a tenant would just rent storage space? They would have to rent office space as well.

Mr. Niemotko replies that's my understanding right now.

Mr. Hager replies so each office space would have a certain amount of storage space allotted to it?

Mr. Niemotko replies preferably one office suite to one storage bay

Mr. Hager adds another question is regarding accessibility, with the third floor office space, is that going to have an elevator or some sort of handicap accessibility.

Mr. Niemotko replies I haven't gotten that far. We do show ADA accessible parking spaces on the site for access to the building. I think commercial warehouse has exemption to it for accessibility. Fire stairs would have to be accessible with the railings, risers and treads, but I think as far as a vertical conveyor, I'm almost sure that commercial has an exemption. And if it doesn't, than I will have to provide a workable conveyor.

Chairwoman Escallier asks as far as parking, how many employees are going to be on the site?

Mr. Niemotko replies I don't know based on the amount of tenants, we would have to base it on square footage to determine the occupant load and the amount of employees for parking. We will further revise this and base it on actual numbers.

Chairwoman Escallier asks if there are any further questions, there being none, we thank you for coming.

Bruce Abragani
Village of Harriman

Mr. Abragani states I have had some discussion with John Hager. I have acquired a piece of property and have come in front of the Board to get some direction. It's an undersized parcel, in the Village of Harriman, on Route 17M, and before I spend money on engineering, I would like to see if what I propose is something in the grey area that you would approve or deny, before I go further, since I am a small business owner.

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Chairwoman Escallier asks you want to run this by us?

Mr. Abragani replies yes. It would be about 4500 to 5000 square foot building and because it's a very undersized parcel.

Mr. Hager states this is the same parcel that had come before you a few months ago, it was going to open an auto glass repair shop. Just North of the car rental on 17M.

Mr. Abragani states it's an undersized parcel and due to parking restrictions, for retail, it's a very tough piece of property to develop so the only thing that I came up with was warehouse/storage where the parking is less than 150 square foot per parking spot.

Mr. Russo states the warehouse/storage is an accessory. There has to be a primary use to the site.

Mr. Abragani replies I understand that's why I have come before the Board to see if because it's undersized if there is anything that can be done, yes things can be changed around to grant it, or no.

Mr. Russo asks to grant it just for self-storage unit?

Mr. Abragani replies it would probably be broken into possibly two different sections for storage. And possibly two or three parking spots per business. Possible overflow storage from Woodbury Commons so there wouldn't be a lot of in and out traffic because storage spaces are so expensive on site, that they go to a lot of different areas off site.

Mr. Russo states you would have to go to the Zoning Board for a variance, just to have storage. This Board can't tell you yes or no to that. Without primary use, just storage is not allowed.

Mr. Abragani replies if that was granted, then I would return here? To go in front of that Board, do I need special drawings, or are these okay?

Chairwoman Escallier replies yes, and then we would talk.

Mr. Russo states they may want a little more information as far as you saying two units, what are you going to store? How much traffic is going to be in and out of the place, the size of the trucks in and out? And depending on the size of the trucks entering, that they can get around the building.

Mr. Abragani replies I appreciate the feedback that I'm getting.

Mr. Hager adds you can either approach this Board with a plan and an application but right away they're going to identify the use doesn't match the use table and they are going to refer it to the Zoning Board before they take any action. The alternative would be to go to the Zoning Board prior to making your formal application here.

Member Klare adds if the Zoning Board approves it, then you can come before us.

Chairwoman Escallier states I think that your best course of action is for you to approach the Zoning Board with your idea with as much information as you can, without having to have formal plans drawn. We don't want you to incur an extra expense if it's not necessary.

Mr. Abragani thanks the Board.

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Chairwoman Escallier asks is there any housekeeping items? Member Stanise would like to know exactly where 194 Route 17M is.

Mr. Russo replies it is behind the Speedy Car Wash. Somebody, maybe Jacobowsky, tried to get approval of an assisted living on this parcel.

Chairwoman Escallier states I went to a meeting, with all of the Chairs, and they discussed LLCs. They want more transparency because they've had a problem coming in as an LLC and you don't know who you're really dealing with. And it has come to bite the Boards. Some of them have already enacted it into their town law that they have to show who is who. At least the President, Vice President.

Mr. Russo adds maybe we have to change the application, so there are spaces for the LLC and without that information written on the application, the application is incomplete. This way it's always on the form and it's always there, it's up front, not hidden.

Chairwoman Escallier replies that's a good suggestion. We should change that so that Kevin can look at that. And lastly, Superior Pack, as far as I know, is doing everything that we have asked them to do. Whereas in the beginning, they weren't cooperating with us at all. When they got approved, and this answers your question, for six loading docks and that's what the final representation of that site plan showed but remember you were here when their attorney, Mr. Furst, said it is imperative that we have three more loading docks and Kevin put him down. At that point, that didn't happen but they will be back before us for those additional three loading docks. That doesn't happen, and then John Hager will get at them. It's my understanding that they are aware of it, and so far they've cooperated and they haven't forgotten that they have three more to get approved. They will be coming back before us. Just to let you know.

Member Zwarycz asks they were approved and they never acted on it, correct?

Mr. Russo replies no they weren't approved the additional three bays. The last thing that they were doing was working on the loading dock. Where do they stand with that loading dock?

Mr. Hager replies they never finalized the plan for that. They were going to put a canopy or something on the dock.

Member Zwarycz replies the ninety days have come and gone.

Mr. Hager replies the timeframe on the driveway work and the drainage work, may have expired by now.

Member Zwarycz replies absolutely they are.

Mr. Russo states if they have exceeded the timeframe, they are in violation of the site plan that was signed.

Member Zwarycz responds and in violation also of something that I brought up before I think on the site plan there are six numbered spaces for empty trailers, they numbered, laid out nine. There is consistently ten or more parked on site. So for you to say that they are doing everything right, I respectfully disagree. I live very close, as does Juan, and I see what goes on there on a daily basis.

Chairwoman Escallier says okay, but they are cooperating much more.

Member Quinones replies wasn't there some kind of restriction, after a certain time, they weren't supposed to do something, I forgot what it was. Sometimes at 3am we can hear some noise.

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Mr. Russo responds they aren't supposed to have trucks idling. Maybe it's the compactor that you're hearing/

Member Zwarycz replies which they don't. They have the refrigerator units occasionally running. There's nothing that you can do about that. I'm too far away to hear the compactor.

Member Quinones replies I don't know what it is but every night at 3 o'clock in the morning something goes on.

Member Zwarycz responds my point earlier was that they are in and out traffic which they claimed and you brought up many times at that meeting a couple of months ago, that they were not going to exceed their truck traffic and on a Sunday, three or four weeks ago, there were six or seven eighteen wheel tractors lined up, spilling out, off the property, waiting to get unloaded in there.

Chairwoman Escallier asks you didn't take a picture of that?

Mr. Russo adds if you took a picture we could show it to their attorney the next time they are in here.

Member Zwarycz agrees.

Discussion broke out.

Chairwoman Escallier states the only project that I see coming back in the next meeting would be 194 Route 17M. It's going to be limited one way or the other, light processing or warehousing.

Mr. Russo states if it's light processing, they have to shrink the building to 10,000 square feet and no higher than 20'. Notes will have to be added to the plans depending on what they decide to do.

Chairwoman Escallier replies we have to be particular in that respect. That's why I was imperative about putting the parking on Tri State's site plan.

Mr. Russo states since it's special permitted use, John do you want us to put something in there that allows you to do inspections?

Mr. Hager replies I think that if there aren't specific references on the drawings it's difficult to enforce. Previously they tended to put a lot of conditions in to a resolution format; it's so much better if you have the conditions included on the plans. That way it says right here on the plans. That doesn't mean that they can't come back here and petition the Board for a site plan amendment or in the worst case scenario, a variance. If he constructs this and he's not able to rent it for the scenario that they're presenting, at some point they would have to apply for a variance because now we have a hardship on our hands. What we thought we could rent, is un-rentable. The ZBA would have to take that over then. They must feel that there is a market for this or they wouldn't be proposing it.

Mr. Russo states it's flexible with all of the offices and warehouse space. It's built to whatever the clientele may need. He's thinking that he could have up to sixteen and as far as the parking goes, it will be based upon the square footage, not the overall building. So whether you have sixteen offices or eight, the parking is still going to be the same in requirement.

Chairwoman Escallier asks it doesn't matter how many people are going in and out.

Mr. Russo replies the Code speaks of square footage. The Code doesn't speak about parking stalls in regard to storage. It does speak of the size of the stalls for the loading areas.

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Member Stanise asks what the size of each unit is. If it's less than 10,000 square feet, can one tenant do processing?

Mr. Russo responds no because the building itself can be no larger than 10,000 square feet and 20' high. If they wanted to do processing in this building later on, they would have to go for a variance. Right now they would not meet the zoning. With John doing the inspecting, it would allow him to see if anybody was non-compliance, if they were doing something like processing in there without anybody knowing. We can always write in the notes that you have access to come in every six months.

Discussion broke out.

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

SECOND was made by Member Stanise.

AYE: Member Escallier **NAY:** -0-
Member Stanise
Member Quinones
Member Klare
Member Zwarycz

Respectfully Submitted:



Barbara Singer, Recording Secretary