

PLANNING BOARD MEETING
JULY 15, 2019
7:30PM

1. PLEDGE OF ALLEGIANCE
2. PUBLIC HEARING
VILLAGE OF HARRIMAN SUB-DIVISION SOUTH MAIN STREET
103-3-3, 103-3-4, 103-3-20
SUB-DIVISION
3. ROLL CALL
4. APPROVAL OF MINUTES JUNE 17, 2019
5. VILLAGE OF HARRIMAN SUB-DIVISION SOUTH MAIN STREET
103-3-3, 103-3-4, 103-3-20
SUB-DIVISION
6. VILLAGE VIEW ESTATES
101-1-1.31
CONDITIONAL FINAL SUBDIVISION APPROVAL EXTENSION
7. FRANKIE'S EXPRESS WASH
106-5-12.1, 106-5-12.2, 106-5-14
SITE PLAN
8. CONTRACT PACKAGING SERVICES
DBA SUPERIOR PACK GROUP
102-2-5.12
REVISED SITE PLAN
9. 38 COMMERCE DRIVE LLC
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SITE PLAN
10. DISCUSSION – OLD BUSINESS

THE NEXT PLANNING BOARD MEETING IS SCHEDULED FOR
MONDAY AUGUST 19, 2019 AT 7:30PM
SUBMISSION DEADLINE FOR THE PLANNING BOARD MEETING IS
MONDAY AUGUST 5, 2019

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
July 15, 2019

Chairwoman Escallier opened the Village of Harriman Regular Meeting of June 17, 2019 at 7:30pm.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

VILLAGE OF HARRIMAN SUB-DIVISION SOUTH MAIN STREET

103-3-3, 103-3-4, 103-3-20

SUB-DIVISION

MOTION was made by Member Klare to open the Public Hearing.

SECOND was made by Member Kelly.

AYE Member Escallier

NAY: -0-

Member Kelly

Member Stanise

Member Klare

Member Quinones

Chairwoman Escallier: Before asking for the public's comments, there are some comments that we need to make to answer all of your questions from the last time that you were here. Since this is a continuation of last month's public hearing on the subdivision of South Main St, 103-3-4 and 20 in the R-50 zone. The Village Board gave us a response letter on the questions that were asked and I would like to read part of what was said by the Village Board, everyone signed it and I think that it's important what they are going to say because it's a response to what your questions were. The letter is addressed to me and they wanted to respond to the comments made at the public hearing on June 17th regarding the proposed sub-division of 103-3-4. "It made sense to dispose of it to reduce maintenance, reduce liability, and return it to the tax base for the benefit of all Village property owners. The Village Board has always planned on combining the old Weyant property (103-3-3) into the Edward B Shuart Jr Memorial Playground in conjunction with the Village Hall replacement. Unfortunately, this has been delayed partially due to the extensive delays in the completion of the new home of Harriman Engine Company #1. According to the Village Board minutes of March 23, 1955, the property was obtained for "additional property for the new firehouse", not parkland as stated at the Public Hearing. Also, regarding the statement that it was considered a park in the 30's, it appears to have been privately owned until 1955. In 2016 the Village Board authorized a Title Search to be done on this property which gave no indication of this being parkland, there were no deed restrictions, and there were no reverter clauses. Referring to a parcel of property as a "park" does not make it a park by default. Regarding the question about sidewalks, the Village Board had asked Art Tully to investigate sidewalks several years ago. To install sidewalks on Church Street (one side only) in addition to the initial installation costs, retaining walls would need to be constructed, several easements would be required (and/or property acquisition), and the homeowners would have to assume the future maintenance of the sidewalks as per the Village Code. The initial cost for construction, engineering and acquiring easements at today's cost would easily reach \$200,000 with an expectation of higher costs according to John Lanc. Hopefully, this clarifies some of the misinformation which was presented at the Public Hearing". There was one comment that was made that really stung, and the Village Board answers it by saying "it takes exception to the comment that we are "greedy" for wanting to sell this property". You asked also that we go back into the history of the property and I did that. So, I present to you that on July 12, 1894, lot 103-3-3, Irving D Smith and wife sold the property to William Cronon, liber 409 of deeds, page 33. On March 30, 1899 Peter G Lewis and Adelia A Scurri, his wife, to James Cronon, liber 441 of deeds, page 371 and that's 103-3-4, Last, on April 23, 1902, Hudson Galloway to James Cronon, liber 458 of deeds, page 104, and that's 103-3-20. The current owner and lot information is on the site plan. If I pull the site plan out, you'll see the libers right on the site plan of when the Village of Harriman became the owner. We are in possession of the information that was given on the title search. A special meeting of

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the Board of trustees was on March 23, 1955 and in the minutes of that particular meeting, it's titles "special meeting March 23, 1955" and reads" a special meeting of the Board of trustees of the Village of Harriman on March 23, 1955 at the firehouse for the purpose of acquainting the architect with the necessary procedures required by Village Code. Mr. Howl was unable to attend; however, the Village attorney went over necessary procedures with Village Clerk who was to inform Mr. Howl by telephone on the necessity of extending the time limit for receiving bids, and to request additional sets of plans and specifications. Mr. Fink reported on closing the title with Ms. Cronin for additional property for the new firehouse. No further business appeared, motion was made, seconded and carried that we adjourned. The meeting was adjourned by the Chair." So that's the history. And now we can open the hearing for comment from the public.

There was no public comment.

MOTION was made by Member Stanise to close the Public Hearing.

SECOND was made by Member Klare.

AYE Member Escallier

NAY: -0-

Member Kelly

Member Stanise

Member Quinones

Member Klare

ROLL CALL:

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

Chairwoman Escallier: I would like to recognize in the audience Lou Medina, Village Board trustee and Carol Schneider, Zoning Board Chair.

MOTION was made by Member Klare to accept the Planning Board minutes of June 17, 2019

SECOND was made by Member Kelly.

AYE Member Escallier

Member Kelly

Member Stanise

Member Klare

Member Quinones

NAY: -0-

VILLAGE OF HARRIMAN SUB-DIVISION SOUTH MAIN STREET

103-3-3, 103-3-4, 103-3-20

SUB-DIVISION

Present: John Russo, Engineer, Lanc & Tully, PC

Mr. Russo: The Village is looking to do a two lot sub-division of land that is not currently being used. Tax parcel is 103-3-4 and right now is .75 acres. We will be breaking the parcel into two lots. The R-50 zone requires the lots be minimum 5000 square feet. Lot 1 will be a little over 15,000 square feet and Lot 2 will be about 14,600 square feet. The lots comply with the Village Code as far as setbacks. Both lots will be serviced with public water and

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sewer. The County has responded to this as a local determination. The only agency that we have not heard back from yet is Orange County Sewer.

MOTION was made by Chairwoman Escallier to declare a Negative Declaration.

SECOND was made by Member Klare.

AYE Member Escallier

NAY: -0-

Member Kelly

Member Stanise

Member Quinones

Member Klare

MOTION was made by Member Klare to issue a conditional final sub-division approval subject to receiving the Orange County Sewer District #1 approval to connect those two lots when they are built.

SECOND was made by Member Quinones.

AYE Member Escallier

NAY: -0-

Member Kelly

Member Stanise

Member Quinones

Member Klare

VILLAGE VIEW ESTATES

101-1-1.31

CONDITIONAL FINAL SUBDIVISION APPROVAL EXTENSION

Present: Larry Adler, Co-Trustee of the Harry Adler Testamentary Unified Credit Trust

Mr. Adler: The Harry Adler Testamentary Unified Credit Trust is the owner of the main parcel for the Village View Estates sub-division. I am here requesting an extension. There's been some issues. There's a couple of different entities that were involved in the application and the property ownership, we're working through that. Everyone in the boat is rowing the same way, we want to get it approved. I apologize that it's taken this long but there have been some issues internally that we had to deal with.

Chairwoman Escallier: You advised that you would provide approved agency copies.

Mr. Russo: I don't think that they submitted to the Department of Health yet.

Mr. Adler: No, the three entities involved have a cooperation agreement and we have all retained the surveyor and engineer that was involved in the project and now they're dusting off the paperwork and submitting them to the Department of health, water department and any other agencies. There's a list of about 14 items that they need to complete.

Chairwoman Escallier: The history of this, December 18, 2017 there was a resolution, Jay Myrow was there, regarding no sidewalks. November 20, 2017, they discussed the entrance because there was a problem with the fact that it was in the Town of Monroe and the landscape design that we received, the trees were much too large to meet the code in Monroe. A Monroe tree can be 10' high and a shrub 2' high with a 50' setback from the curb and that's 51-47J in the Monroe Code. Besides that September 18, 2017, SEQRA consistency report was filed. We discussed the fact that children are being picked up at Woodland and Overlook Drive which is not on the same block as the entrance will be on. October 15, 2018 an extension was granted for 6 months due to the litigation

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that we had because of the street opening permit. May 21, 2018, we are waiting for DEC and DOH approvals. We are required by SEQRA to complete projects by a certain time. So that's where we are.

Mr. Dowd: Mr. Adler, we talked on the phone, if you recall the parcel that gave access to the subdivision on the Town highway was owned by a different entity. When we had spoken, I had asked that they have an agreement had to be reached between the two entities to make sure that your section that has the sub-division lot and the ones that the access is from have agreed. Now we had a draft of that agreement but as we found out recently, that had never been signed so I'm asking you, has it been signed yet?

Mr. Adler: The owner access agreement that we spoke of has not been signed to my knowledge yet. Although the approved plans that were part of the conditional final have notes in it that they were going to irrevocably offer them to the Village and to the Town. That's part of what I'm in the process of obtaining.

Mr. Dowd: Without having something that allows access to the sub-division from the town highway to the property that one of Mr. Adler's other entities without that sub-division approval really goes nowhere and we don't want that to happen. That was not the intention.

Mr. Adler: The three entities that are involved, have all agreed that we need to put everything together and get the conditions of the final approval met, so that it's a final complete approval.

Mr. Dowd: How long do you think you need to do that?

Mr. Adler: the engineers that I've talked to said it's typically 4-6 months to work through the agencies, the Department of Health, water department, etc. if we could get a 6-month extension, that would be great. I could supply you with the owner access agreement that would take care of the access parcel is part of the sub-division. Everyone has agreed that that needs to happen. I apologize that it's not wrapped up right now.

Mr. Dowd: While you're working through the agencies, you can also be working on the offer of dedication, the easements and then we can have our engineer review the metes and bounds and review the legal papers. You don't need to wait for one before working on the other.

Mr. Russo: This will also show progress on the project, that you're working towards something.

Mr. Adler: The three entities have also agreed that they are going to retain Jay Myrow, who's familiar with the project which will help. I was speaking with the Mayor about a few items, (1) the formation of a stormwater district, which the Mayor gave me Dave Darwin's (Village attorney) phone number (2) the maintenance agreement that's necessary between the town and the Village, which he will start working on. I am the new person here but I don't have a development background so I'm pretty familiar with engineer reports, site plans and we will bring it to completion.

Mr. Dowd: Have you come to an agreement with the other parties as to how you're going to put up the bonds and the other kinds of fees that have to be paid to the Village?

Mr. Adler: The Trust is going to be responsible for that.

Member Kelly: So, before us right now, is the possibility of getting a 6-month extension?

Mr. Dowd: Yes, that is certainly within your discretion. Every time that we've extended this it was with the

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intention that if you don't extend it the project would have to start over again and the zoning hasn't changed nor have any of the conditions changed so you would be going through the process to same ultimate final approval with conditions. You asked them to come forward last time so they could explain where they are and that's what Mr. Adler is trying to do.

Member Stanise: After 6 months and they're not complete, what do you do then?

Mr. Dowd: Then they would have to come back and ask for another extension. The Board can ask them to explain what progress they've made. We'll be able to tell you whether we have easements, bond estimates and whatever is outstanding. Any updates with the other agencies that are involved.

Mr. Adler: The way I would like to operate is to have conversations with the attorney and engineer so it's not like you won't see us for another 6 months. Very quickly, starting this week, we should have updates on what's been submitted, the status and how we can proceed.

Member Stanise: If you're completed before 6 months, would you notify us so that we don't have to wait the 6 months?

Mr. Adler: Yes.

Mr. Dowd: If they're complete with all of the conditions, John (Russo) will tell the Chairwoman and she would be able to sign the plans and you would be able to file the sub-division.

Mr. Russo: Any value that was set for performance bonding, would need to be updated.

MOTION was made by Member Kelly to grant a 6-month extension and that the performance bond is updated.

SECOND was made by Member Klare.

AYE Member Escallier

NAY: -0-

Member Kelly

Member Stanise

Member Quinones

Member Klare

FRANKIE'S EXPRESS WASH
106-5-12.1, 106-5-12.2, 106-5-14
SITE PLAN

Present: John Loch, AFR Engineering & Land Surveying

Mr. Loch: I think that we've completed most of the issues on this project. I received Mr. Russo's review; I don't have anything that I need to address with that. We will keep you informed as we go through the process of removing the oil tanks. There is an issue that did come up, it was occurring at the same time as the last meeting. The current owner of the property started taking down some trees. He took them down from an area that we had wished to remain a buffer. I had discussed this with my client, and we are planning on replanting.

Mr. Loch circulates photos of the site.

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Mr. Loch: Frankie became aware of this and immediately asked them to stop. Obviously, one area is significantly impaired. I don't think that Frankie got a clear answer as to why the owner decided to do that, but it was done. We would like to replant with suitable evergreens to replace in that strip.

Chairwoman Escallier: It would have to be something sizable, 5-6' because they were taken down and we do need that buffer. If you plant new trees, it won't create that buffer.

Mr. Loch: I don't think that will be an issue.

Member Kelly: Is that the only issue with this project?

Mr. Russo: Yes, this is the only issue. I have noted that they will be working with the DEC, getting permits to close out, and get the oil tanks removed. They will only be doing detailing in that building, no oil changes in there so what I've asked is that they keep the Building Department and the Village copied on all correspondences to and from the DEC. This way we can see where they are, how they progress and ensure that those are closed out. And that is a process, I don't want to hold them up for that process. If they're sending in all of the correspondences to the Village and we can see that they're making progress, I don't see a reason to hold them up.

Member Kelly: We've received the 239m and the trees, they're going to replace them, so I don't think there are any issues. I thought those were the only issues that we had at the last meeting.

MOTION was made by Member Kelly to declare a Negative Declaration.

SECOND was made by Member Klare.

AYE Member Escallier

NAY: -0-

Member Kelly

Member Stanise

Member Quinones

Member Klare

MOTION was made by Member Klare to grant a final site plan conditioned on payment of all fees, and the planting of the trees shown on the plan.

SECOND was made by Member Quinones.

AYE Member Escallier

NAY: -0-

Member Kelly

Member Stanise

Member Quinones

Member Klare

CONTRACT PACKAGING SERVICES

DBA SUPERIOR PACK GROUP

102-2-5.12

REVISED SITE PLAN

Present: John Loch, AFR Engineering & Land Surveying; John Furst, Catania, Mahon, Milligram & Rider PLLC, Motty Jacobowitz, Contract Packaging Services.

Mr. Loch: I have received the review from Mr. Russo. I concur with you that I must relocate 6 of the trees, we have no problem moving them between the parking and the sewer easement. I have no issue

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making a note on the table noting the parking spaces and truck stalls for the site. We have another 2 truck stalls because we have the 2 loading bays on the side of the building, and we have those noted. We will make sure that we clarify the delineation of the curbs to be removed. Make it very explicit on what gets removed and what stays. The only other issue that I'm aware of is when we met at the site looking at the lighting, there had been some adjustments made a day or two later. I'm not aware of any complaints that have come in since.

Chairwoman Escallier: I can still see them, light and bright.

Member Klare: Did you put any covers up?

Mr. Loch: They have angled the lights down further; they have not added anything.

Chairwoman Escallier: That's for the Building Inspector. This has been tweaked for months now, I would think a decision has to be made on whether they need hoods. If you're going to flood light a property, it should be that property. It shouldn't be extending all over the neighborhood. And that's what it's doing. I think that the logical next progression would be to think about the possibility of putting hoods on them and direct them downward towards your property. And this will be in the hands of the Building Inspector.

Member Kelly: I'm curious about the work being done on the site on the Monroe side. If you're building up all that space, how is this not going to increase the traffic when you say that you're not entering from that back road? The traffic is mostly on River Road right now, and it's not horrendous, but if you're expanding the warehouse and you're making space back there for more trucks, which I'm assuming is going to go back there, are they going to be coming out through the Harriman entrance? Or are they going out through a back entrance towards Monroe? This is more of a traffic issue for me than anything else. I see all of these roads, you say they're temporary roads, but there's a lot of work being done, construction trucks going in and out every day.

Mr. Loch: The addition that was put on is purely warehouse space. What they found with their business they're having to put together more in the way of getting certain bulk product in and packaging smaller amounts and sending it out and they need more warehouse space for that. They did a couple of things (1) they wanted to get a construction entrance so they wouldn't be coming in on River Road when they were doing a lot of other work. Plus, they're taking the landscaping from the back. It was very haphazard, there were piles of things, slight depressions, it was very uneven. They cleared out mostly scrub brush. Now it has a nice gentle grade to it. What they are aiming for is getting something there that is more like a lawn and mowed. They are not proposing parking any trucks back there. They wanted to develop it more like a lawn and get it looking a lot better than it did. Plus, when they put the addition on, that area used to be mostly lawn and that's where they had picnic tables and things that their employees use, so they wanted to develop more lawn in the back and at the same time clean things out to the west. They have been using the construction road a little more than I think they anticipated because they had some materials that they felt they were better off removing. And they have been trucking stuff out of the site.

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Member Kelly: Thanks, I thought it would be for employee parking or parking trucks but it's going to be lawn, that's good.

Mr. Loch: A lot of what you're seeing back there, having that construction road, a lot of it is more visible. At one time, large sections of that was mowed and then they cut a few ditches up in it and it became impractical to mow so they just let it go. Now they're clearing it out, they're not taking out any big trees or anything, mostly scrub brush.

Member Kelly: I've been watching the trucks go in and out and everything has been working very well. There doesn't seem to be a tie up like there was before. There's been a big improvement moving the trucks in and out.

Mr. Hager: I have a comment to make regarding the nine parking spaces for the trailers. I think Mr. Russo's letter had mentioned the hydrant in regard to the tree planting. The hydrant's been observed to have been removed. That's one of the reasons they have one additional space. The original plan shows no parking where the hydrant is located. That hydrant has been removed and it should be reflected on the plans.

Mr. Dowd: Barbara (Singer) has the latest plans for this project been sent to the County for review? It was sent in 2016, but anything since then.

Ms. Singer: I don't think so.

Mr. Dowd: I think we should do that as soon as possible. Do you have a more updated plan to give to Barbara (Singer) to send to the County Planning? The last time that this applicant was here for a site plan amendment was 2016, this Board typed that this was a Type 2 Action that did not require any further SEQRA action and also waived the Public Hearing. The same questions will apply to this version, if you want to waive the Public Hearing on this and have this a Type 2 Action that says there is no environmental impacts.

Chairwoman Escallier: I would agree with that. What do you think? The other thing that I wanted to do was legitimize the fact that they have marked on the ground 9 spots where they did not have 9 spots.

Mr. Dowd: I'm pointing out that this was what the Board did when they were putting the loading docks in. Now they are doing away with those loading docks and just arranging parking on the site. It doesn't seem like something that you would have a Public Hearing on but that's up to the Board to vote on.

MOTION was made by Member Kelly to waive the Public Hearing

SECOND was made by Member Klare.

AYE Member Escallier

NAY: -0-

Member Kelly

Member Stanise

Member Quinones

Member Klare

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MOTION was made by Member Klare to establish the Village of Harriman Planning Board as Lead Agency as a Type 2 Action under SEQRA

SECOND was made by Chairwoman Escallier.

AYE Member Escallier

NAY: -0-

Member Kelly

Member Stanise

Member Quinones

Member Klare

Mr. Loch: If you want the newest plans going to the County, I have to get them submitted by July 19.

Mr. Furst: Can she send what she has now?

Mr. Russo: I think that the County would come back with the trees being on top of the sewer lines. Let's minimize what the County can come back with.

38 COMMERCE DRIVE LLC

108-1-12

SITE PLAN

Chairwoman Escallier: This project doesn't have representation. They will probably be here next month.

DISCUSSION – OLD BUSINESS

Chairwoman Escallier: I don't believe we have any old business that needs to be discussed at this time.

MOTION was made by Member Klare to close the Planning Board meeting of July 15, 2019 at 8:25pm.

SECOND was made by Member Kelly.

AYE Member Escallier

NAY: -0-

Member Kelly

Member Stanise

Member Klare

Member Quinones

Respectfully Submitted: _____
Barbara Singer, Recording Secretary