



Village of Harriman

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**PLANNING BOARD MEETING
JUNE 17, 2019
7:30PM**

1. **PLEDGE OF ALLEGIANCE**
2. **PUBLIC HEARING**
HARRIMAN PLAZA REALITY
102-4-9.12
REVISED SITE PLAN APPROVAL
3. **PUBLIC HEARING**
VILLAGE OF HARRIMAN SUB-DIVISION SOUTH MAIN STREET
103-3-3, 103-3-4, 103-3-20
SUB-DIVISION
4. **ROLL CALL**
5. **APPROVAL OF MINUTES MAY 20, 2019**
6. **HARRIMAN PLAZA REALITY**
102-4-9.12
REVISED SITE PLAN APPROVAL
7. **VILLAGE OF HARRIMAN SUB-DIVISION SOUTH MAIN STREET**
103-3-3, 103-3-4, 103-3-20
SUB-DIVISION
8. **FRANKIE'S EXPRESS WASH**
106-5-12.1, 106-5-12.2, 106-5-14
STIE PLAN
9. **CONTRACT PACKAGING SERVICES**
DBA SUPERIOR PACK GROUP
102-2-5.12
REVISED SITE PLAN
10. **DISCUSSION – OLD BUSINESS**

**THE NEXT PLANNING BOARD MEETING IS SCHEDULED FOR
MONDAY JULY 16, 2019 AT 7:30PM
SUBMISSION DEADLINE FOR THE PLANNING BOARD MEETING IS
MONDAY JULY 1, 2019**

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
June 17, 2019

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

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

HARRIMAN PLAZA REALITY

102-4-9.12

REVISED SITE PLAN APPROVAL

Present: Scott Berliner, Owner; Liam Byrne

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

SECOND was made by Member Quinones.

AYE Member Escallier

NAY: -0-

Member Kelly

Member Klare

Member Quinones

There was no one from the Village to speak regarding this project.

MOTION was made by Member Klare to close the Public Hearing

SECOND was made by Member Quinones.

AYE Member Escallier

NAY: -0-

Member Kelly

Member Klare

Member Quinones

MOTION was made by Member Klare to accept the Planning Board minutes of May 20, 2019

SECOND was made by Member Quinones.

AYE Member Escallier

NAY: -0-

Member Kelly

Member Klare

Member Quinones

HARRIMAN PLAZA REALITY

102-4-9.12

REVISED SITE PLAN APPROVAL

Present: Scott Berliner, Owner; Liam Byrne

Mr. Russo: The applicant has been working on cleaning up the plans, so I only have two comments. One of my concerns from the last time, was where are the signs going to be located, especially the "No Parking" at the access aisle. The new plans state that the handicap parking sign and the "No Parking" are going to be mounted on the building, below the window. The code requires that those signs, the handicap parking signs, be at least 60" in height from the ground. Those can still be located in front of the parking stalls; the concern was the "No Parking" sign being located in the middle of the access aisle. One option is taking the handicap parking signs

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that are going to be there and moving the signposts more towards the access aisle and put “No Parking” signs on the same post with arrows pointing to one another.

Mr. Byrne: Can’t we post the other sign on the building where the window is? Can’t we post them in front of the window at the elevation that they’re supposed to be? That way it’s not on the sidewalk, or in the access, it’s right up against the building, out of the way. It will block the view in and out of the window but there’s signs in the window already. That would probably satisfy everything.

Mr. Russo: Why not use the post at the edge of the sidewalk in front of the stall? Or instead of putting them in the same place, you could move them closer to the access aisle and use the same posts for the handicap parking signs and the “No Parking” signs at the same time. They will have to be shown on the new plans. The changes to the plans will be made a condition of approval. I also previously asked in regard to the handicap parking detail, the plans should note the color of the stripping should be blue for handicap parking. Basically, that’s all that I have.

The Board is indicating that they have no other issue with this applicant.

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

SECOND was made by Member Klare.

AYE Member Escallier

Member Kelly

Member Klare

Member Quinones

NAY: -0-

MOTION was made by Member Klare to grant conditional final site plan approval with the condition that they amend the site plans as reflected in the June 17, 2019 letter from the Village of Harriman engineer and pay any fees which may be due.

SECOND was made by Member Klare.

AYE Member Escallier

Member Kelly

Member Klare

Member Quinones

NAY: -0-

ROLL CALL:

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

Absent: Board Member Stanise.

PUBLIC HEARING

VILLAGE OF HARRIMAN SUB-DIVISION SOUTH MAIN STREET

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

SUB-DIVISION

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

SECOND was made by Member Quinones.

AYE Member Escallier

NAY: -0-

Member Kelly

Member Klare

Member Quinones

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

Mr. Russo: A brief history on this project, the parcel is located between South Main St and James St. Parcel 103-3-4, is a little over ¾ acre in size, owned by the Village. It's grass area that the Village has been maintaining, people have been walking their dogs on it. The Village has decided to sub-divide it and create two single family dwelling lots. Lot 1 will be a little over 15,000 square feet and Lot 2, on South Main St, will be 14,700 square feet. The required lot area is 5,000 square feet, so both lots are about triple in size to what is required. They will both be connected to public sewer and water. A little bit of the land is being sub-divided off and provided to the park itself. Additional landscaping can be put in along the park side to provide a little privacy for Lot 2 and to give some privacy to those in the park without having to look in people's backyard.

Charles Crover, 5 & 7 James St: My family has lived on those two parcels for over 100 years. Talking to my mother today, I hope that this Public Hearing stays open month, I just received my letter Friday afternoon and I haven't had a chance to notify the residents that live in those homes, which are my family members. While speaking to my mother, you classified it as parcels of grassy area, it's parkland. It's always been considered the Village of Harriman park. There are signs there saying, "No motorized vehicles, Clean up after your dog, Village of Harriman Park". When I was a kid, we played baseball and kickball there. It was a safe entrance to the park area from James St, Meyer Ave, even Kearney Ave because South Main St and Church St are very unsafe to walk on. I am against the Village being greedy and selling off lots of their parkland without creating other parkland. They've already taken the Weyant parcel off the tax rolls and there's no sign of that being incorporated into the park. Without sidewalks on Church St and easy access for children along those streets, which is a cycle, we see the cycle where there are no kids on the streets, older people, now there are kids again. I have a two-year-old granddaughter who walks down there at least once a week with her grandmother and goes on the swings. I don't think that the Village should create lots out of that for single family homes. They should remain a park, they were purchased to be a park, I don't know if there's been any review of the deeds, to see if it has to remain a park or go back to the original owner if it was donated land, or if it was purchased. If there are Village minutes saying that the Village purchased it, was it purchased to be part of the park? Without any of that history being satisfied, I don't think it should become single family homes. I'm not even sure if this is the right place to bring this up or if I should be going to the Village Board with my objection to this.

JoAnn Shuart, 16 Church St: Are there going to be restrictions to what kind housing can be put there? There's very little vacant land in Harriman and this opens up the door to vacant land. Chuck is right, that was always parkland, I'm here for 40 years, Chuck is here a lot longer than me. If you look at the big picture, this building (current Village hall, former elementary school) is not being used, once the Village leaves it, it's going to open up the possibility of more land. Harriman Church doesn't have a very big congregation, and if that falls short, that's going to become more vacant land and now you're changing the whole demographics of Harriman. I have no problem with the Village doing their pecuniary duty and getting money for something that they're not using but at the same time, are we looking at the big picture? We have very little vacant lot in Harriman, and that's a good thing. But now you're opening the door.

Susan Jones, 5 Church St: My property runs the whole length of the park and then goes back over to James St. My property is L shaped, how is that going to affect me? I agree with what Chuck says.

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Mr. Russo: There's no impact to you, there's nothing occurring on your property, whatsoever. It's the Village land that they're looking to break it in two lots and have some developer build two single family homes.

Ms. Shuart: Are there going to be any restrictions to what kind of housing that can go in there? I know sometimes you can't, people can do what they want with their property but they're pretty big parcels of land.

Mr. Russo: Yes, they're big parcels, they do have to meet the Village Code, as far as all of the setbacks. That's something that could be discussed with the Village further, if they're going to have any restrictions, what can be done on those parcels. What are you concerned with as far as restrictions?

Ms. Shuart: The size of the homes. How many square feet? Are they going to be luxury homes? Are they going to keep stacking up?

Mr. Russo: There are height restrictions as far as the Code goes, the maximum height is 35' in this zone. They can't continue to stack.

Ms. Shuart: Theoretically, you could put quite a few square feet of house on these lots.

Mr. Russo: Yes, you could put a larger house on there.

Mr. Crover: Just for the record, you could put a house on these lots, that meets the setbacks, that is a 6,7,10-bedroom house. That doesn't fit the character of the neighborhood. And if you wanted to make that a lot, why couldn't the Village keep that entrance to the park? Some sort of an easement of right of way? Or break of 8-10' by the property line, probably the one along the brook so that residents could have access to the park without having to walk onto Church St? Everyone knows that Church St is a dangerous place and this Village has been asked for years ago to put sidewalks when the Post Office moved to Route 17M and that hasn't been done yet or even addressed. Years ago, it was but they couldn't get a grant. I think that you're taking away green space and there's a lack of green space in all of the towns and villages around the area.

Chairwoman Escallier: Do we have any written comments that could've come in?

Ms. Singer: No, we didn't receive any.

Chairwoman Escallier: They have requested that we extend the Public Hearing to the next month.

Mr. Dowd: John (Russo), do you have the deed to the property?

Mr. Russo: No, I do not.

Mr. Dowd: The gentleman raises the question of whether it's parkland or not.

Chairwoman Escallier: I don't believe that it is. I think that it was granted to the Village. That and another parcel that houses where the Police Department is now. That's what I believe it to be because I was looking through the deeds for the Village of Harriman. I believe it's a grant, not designated to anything, it doesn't have a letter attached to it that says it has to be this or that. Unlike Mary Harriman Park that is specific, it had to be named that and there was a letter stating that. I think that it is a grant.

Mr. Dowd: We'll have to check that out.

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Chairwoman Escallier: I know that Mayor Welle was looking into that. I believe it was a grant but not necessarily dedicated to just parkland. Even though it had been parkland for many, many years.

Mr. Crover: You should do a further investigation of that before you sell it and somebody builds a house and you find there was something on there that if the Village wasn't going to use it as parkland it reverts back to the original owner, such as Mary Harriman parkland. I think these deeds need to be made public here at a Public Hearing.

Mr. Russo: The deeds can be obtained from the County.

Member Kelly: All we're saying now is if we can sell it? But the other things that need to happen, the deeds, all have to be checked before we can sell it.

Mr. Russo: What they are getting at it that the deeds and everything checked prior to allowing the subdivision to occur to ensure that this wasn't dedicated as land that was specifically for parks and if it wasn't used for that, there was not requirement that it revert back to the original person or family that granted the land to the Village.

Mr. Crover: I think that it should be taken one step further, even if the Village did purchase it, somewhere in the minutes, and I don't want to hear that they were lost when the ceiling got flooded or the roof leaked, that it was purchased for a reason. If that reason was to become part of the parkland, I don't think the Village should renege on that reason. The residents at that time, had agreed to that. People that bought their properties around there bought them because they were adjacent to a park and they had easy access to the park. Now you're essentially hurting the property values by taking that away. My property is worth more and I paid more for it because of the easy access to the park.

Mr. Russo: But we're assuming that this was designated as parkland but if it wasn't then an assumption made.

Mr. Crover: It was always considered a park. I've been here 57 years and it's always been considered a park. My mother said that it was considered a park in the 1930's so no matter what it says on paper, it's always been considered a park.

MOTION was made by Member Kelly to extend the Public Hearing until the next Planning Board meeting on July 15, 2019 at 7:30pm.

SECOND was made by Member Quinones.

AYE Member Escallier

NAY: -0-

Member Kelly

Member Klare

Member Quinones

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

Chairwoman Escallier: Since the presentation was already given, and the Public Hearing extended, we will continue with Frankie's Express Wash.

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

Present: John Loch, AFR Engineering & Land Surveying; Frank O'Brien, applicant.

Mr. Russo: The applicant has provided more information regarding the vacuum system that they are going to use on the site, they have manufacturer's drawings, laid it out on the plan to show each of the stall locations of each of the vacuums. The vacuum system itself works off a main vacuum and tank so I'm asking for that system be located on the plan. The accessible aisle for the handicap stall is currently showing 5', NYS Building Code requires that it be 8' in width. The parking stalls themselves were shown to be 9' in width and 19' in length. Section 140-34 of the Village Code requires that parking stalls be 10' in width and 20' in length, so you need to adjust that.

Mr. Loch: We can revise them to 10' by 20'

Mr. Russo: The plan currently notes the building to the East of the car wash building to be an express oil change and detail building whereas the submitted EAF notes that this building is to be changed to automobile detailing. So, the applicant should clearly note the intentions of this building and revise the plans and/or the EAF to accurately reflect what is to occur in this building.

Mr. O'Brien: We're just going to do the detailing and completely eliminate the oil change.

Mr. Russo: As I requested at the last meeting, the size of the existing oil tank should be noted on the plans along with any permitted information being provided to the Planning Board regarding the tank. It was also requested that the applicant let the Planning Board know if the oil tanks are full or empty now. The disposition of these tanks should be discussed further.

Mr. Loch: The applicant is willing to remove the tanks and get rid of them. I do know, because I've checked them a little bit, if there's oil in them, it's no more than 1/4 tank. We're trying to work with the owner of the property right now to figure out how we go about getting rid of it. We may have to get a permit for the tank and then go through the process of closing the tank.

Mr. Russo: John (Hager) they would have to provide all of that information to your department when they're doing that?

Mr. Hager: I would highly recommend that, so it gets documented here in the Village for the future.

Mr. Dowd: Nothing from the County yet?

Ms. Singer: No 239m, not yet.

Chairwoman Escallier: At what point does that go to the DEC?

Mr. Russo: Depending on the size of the tanks, they would have been permitted before. The applicant said they were, and the permits lapsed. Usually when you are doing a tank closure, if they find out, they make you re-apply for a permit so you can close the permit.

Mr. O'Brien: The owner's in the process of re-applying.

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Mr. Russo: It shouldn't be that hard of a process, just letting them know that's he's going to be cleaning and removing his tanks. Usually they're happy to hear that.

Mr. Dowd: At the last meeting you established Lead Agency, we did not do a Negative Declaration, but you did waive the Public Hearing. We are really waiting for the County. Without the County 239m, we can't give an approval.

Mr. Loch: All the other issues on the site are very minor and we will take care of them.

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.

Chairwoman Escallier: We received your updated plan, the description of the doors that you want to put in.

Mr. Loch: The front part of the site is where we're planning on doing the bulk of the work. We do have a little work that we're proposing to do in the rear of the building. Essentially, one of the things that the applicant wanted to do clean up issues such as how many truck parking spaces we were able to fit into the available space that we had. They wanted to create some additional parking; they seem to have a little shortage of parking at times. And try to improve the lanes of traffic through the site. Review has brought up a couple of issues in respect to your Code and I know that we have to work on how we're going to address some of them. The comment regarding the truck parking, in the previous site plan we were trying to get 6 parking spaces, we had them very wide, about 15'. We have narrowed them somewhat; we can now very comfortably fit in 9. It's functional, we have the vehicles and tractor trailers using them now. That's what we would like to get an approval for. The second item concerns the parking spaces. It has been brought to our attention that there is a concern in respect with the zoning, what's allowed to be parking in the front yard. It's indicating that 50' setback would basically be required and parking in that 50'. What we would end up doing is not having these 8 parking spaces. That area is already paved, we do end up with vehicles parked, usually parallel parked. We were trying to see if we could put in right angle parking, widen the lane, and improve and increase the amount of parking without adding blacktop in this particular area. We're going to review the zoning code in respect to that. Some of the language concerns exactly with how you define the use and it references it to being an industrial use.

Mr. Russo: I looked at the uses under PAD and the ones that are there don't really apply to this but the uses in the I Zone are allowed which complies more with what you're doing here.

Mr. Furst: The Code has industrial uses separately. There's industrial office uses. I couldn't find the definition of industrial use. There seems to be a distinction between industrial office and uses associated with that as well as

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this use, which is really more of a warehouse, packaging. They don't make anything here. They collect candy, break it down and repackage it. I hear industrial use and I think of the factory, that is obviously not the case.

Mr. Russo: Under #5, (Schedule of District regulations) principle permitted uses says, "same as permitted in I District, items # 1,2 & 3". In the I District, principal permitted uses are (1) "manufacturing, altering, fabricating, assembling or finishing or other processing of products or materials involving the use of only oil, gas or electricity for fuel. (2) Warehouses (3) industrial office and research buildings. And that's where you get the industrial.

Mr. Furst: Both tables have warehouse but that's separate from industrial use, even manufacturing uses. That's why I'm not sure that what we do is an industrial use.

Mr. Russo: The same is permitted in the I District so I think that everything within the I District, those uses in the I Zone being industrial, whatever it falls under would apply.

Mr. Furst: Ok, but industrial use is different from a warehouse use so the Code says industrial uses that specifically saying that industrial uses are allowed in the PAD.

Mr. Dowd: You're talking about the parking portion of the Code for industrial uses?

Mr. Furst: Yes, the section of the Code says industrial uses in the PAD Zone have to be setback 50'.

Mr. Russo: Right.

Mr. Furst: But it doesn't say all of the uses in the PAD zone. It doesn't say commercial uses or warehouse uses in the PAD zone. That's my point.

Mr. Russo: Yes, but the warehouse appears under the I zone.

Mr. Furst: It does, but it actually appears separately from the industrial uses, that's what I'm saying.

Chairwoman Escallier: It could apply both ways, as a warehouse and as an industrial office and research building but you don't have a research building.

Mr. Russo: Right, but they also have altering the materials.

Mr. Furst: It says altering but we're not using oil, gas or electricity for fuel.

Mr. Russo: What are you using to heat the building? Are you altering? You're taking something in a larger size and changing it to a smaller size, correct?

Mr. Furst: With that argument, anything can be an industrial use. If you use electricity to turn the lights on to a retail store, is that an industrial use?

Chairwoman Escallier: That's not what this is talking about. The best example is a pipe. A pipe can be 12' long but if you divide it into sections, that's considered processing, you've altered the item.

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Mr. Furst: Ok, but there is no specific definition of industrial use.

Chairwoman Escallier: But you're fitting under the category of the PAD because you're a warehouse because you're processing. And that's going to lead you to the 50'.

Mr. Russo: If you're in the PAD zone now, your use would not be allowable in the PAD unless it was appointed to the I District. So now we're in the I District, classified as warehousing and you also have processing going on in there.

Mr. Furst: Is processing the same as industrial use? You could have residential uses permitted in a commercial zone. I'm saying there's no clarity as to what industrial use is.

Mr. Russo: Yes, you could. It's listed in the I Zone as an industrial use.

Mr. Loch: It impacts one portion of the parking lot right now. Right now, until that issue gets resolved, we'll eliminate adding more parking.

Mr. Russo: Or you can go to the Zoning Board and you get a variance for it. As you said, they're parking there now, although they're not supposed to be, you're not adding much more pavement. That's an alternative route that you can do.

Mr. Loch: The rest of what we are proposing in the way of additional parking either does not fall within that 50' or that one portion of this does by a few feet we'll just slide it over a little bit and adjust it. And we do have enough room here to adjust the parking spaces.

Mr. Russo: is there any grading going to done on the site?

Mr. Loch: Very minor. Essentially, we were looking at just extending a little off the edge of the pavement. We can add some spot grades. It's all black top birms out there.

Mr. Russo: They are proposing a gravel trailer overflow parking area in the rear of the building. Where the last time we walked out there, there was a few trailers out there. Is it staying in that configuration? That shape?

Mr. Loch: We are proposing leaving it in the same shape. However, what we did was I did provide a detail for gravel road and parking. We don't want an issue where the gravel keeps popping up through the mud, so we provided a detail for putting some fabric down so it's a more stable surface.

Mr. Russo: My comment #7 should be disregarded, that was supposed to be deleted. As far as construction details, any of them pertinent as far as whatever you may be constructing out there. The 18" high wall with a 4" perforated drainpipe, it needs to be drained by daylight or to a catch basin. I would like you to show where that's being run so it actually drains.

Mr. Loch: We can take that and extend it right up to the nearest basin.

Mr. Russo: Also, when we were out there walking, I know that originally the County was looking at having an access through your parcel to get to the County trail.

Mr. Loch: It is my understanding that is completely off the table right now. We do know that we have to do some substantial cleaning in that area and get some vegetation on it.

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Mr. Russo: Are you putting any screening in? that would help reduce any noise. I know that we can't plant trees there by the sewer. I think that we had talked about that on our site walk, was putting up some trees, like evergreens

Mr. Loch: I will review that with the applicant. They're basically saying yes; they'll do it and we'll come up with the appropriate number of screening.

Chairwoman Escallier: I had a concern about, when we did the walk through on your site, we saw part of an area that goes down towards the water and it wasn't secure. Anybody could fall in there. That was a security issue, a safety hazard. We were talking about whether you would fence it and whether along that line whether you would put some landscaping besides the other areas. How could you prevent someone from falling in? A hedge?

Mr. Loch: We can do some landscaping and things like that along that area but the issue that we would run into there I don't think that we could fence it because of the County sewer line. There is a substantial distance from the water there from our property to get to the water. We could plant some kind of a hedge on our side of the sewer main, but we really don't have the room to do much else.

Chairwoman Escallier: A hedge would be satisfactory. What issues do we have remaining from the 2015 review?

Mr. Russo: When we did the walk through, they had addressed a lot of that. There was signage, that they were working on at the time. There was a sand filter drainage system that's been put in. the question that arose regarding the truck stalls, was originally approved for 6, they're showing nine so basically, they need approval for the three additional stalls. I believe the last time that we walked through most of the issues had been addressed. The concern that keeps coming up is garbage, noise.

Mr. Hager: There had been a note on an old plan that there were deadlines for certain work and part of that was proposed loading dock that was going to have the roof on it.

Mr. Russo: They're no longer doing the loading dock anymore.

Mr. Loch: We had approval for a more substantial facility at the loading dock. We were putting a slight bump out of the building with a roof, we eliminated that completely. We are proposing, with this approval, to put in three more doors and towards that end we have provided an elevation view of it.

Member Kelly: I was wondering if you could tell us, what effect does the addition in Monroe have in Harriman? What the purpose is? If they're getting more trucks in the facility, they're all entering through Harriman. What is going in back there? It's a little bit of a problem now. You've cut down all of the trees and extended the warehouse. Is there going to be another entrance to your offices?

Mr. Loch: It's just warehouse space. That entrance is a construction entrance that was done in conjunction with the recent addition.

Member Quinones: What's going to happen with that entrance?

Mr. Loch: We're planning on leaving it in place. In the future, we may be able to develop it more to work on the site. We're not actively looking to do anything more than to clean up what we have.

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Mr. Russo: Are you going to gate that construction entrance? There shouldn't be anyone entering or exiting from there.

Mr. Loch: Yes, it will be gated.

Member Kelly: Right now, are there any plans to develop that land that was cleared? I know that it is in Monroe, I'm concerned with the amount of traffic in Harriman.

Mr. Loch: No.

Mr. Russo: Basically, what they did was they had to relocate one of the Village's waterlines on that side of the building. I know that when we were at the site, we discussed the concerns of the Village and the traffic that's queuing up on the roads.

Mr. Loch: That's one of the reasons we're doing this, to open the lanes a little bit more, given there is an unusual delivery schedule or something to stack more things right on our own property.

Member Klare: Right now, you have about six trailers to back in but when I go by you have about eight or nine and you're only supposed to have six. If we give you nine, what will you do, twelve?

Mr. Furst: They're using pretty much the same amount of space, they just re-stripped them.

Mr. Hager: On the original approved plan showed an old, dry hydrant that used to draw from the river but that can't be used any more. That took up one space and the other space was a monitoring well. As far as the lighting, we have had a lot of complaints about the lighting upgrades that have been done. They've made several attempts to make it less glare, but we're still haven't authorized everything yet. I'm going to have a look at it tonight.

Discussion broke out regarding the new lighting that they installed.

Member Kelly: Do you have a traffic manager? The way the trucks are coming in and out, usually there's some kind of a schedule for drop offs, or do they all come at once?

Mr. Jacobowitz: There isn't a traffic manager. We give appointments but sometimes people arrive early or later, but we do try to schedule them.

Member Quinones: We have mentioned this before, but is there some kind of machinery inside the building that's making noise around the midnight hour?

Chairwoman Escallier: Could you tell us what's in there that could possibly be causing this noise?

Mr. Jacobowitz: Last time that you came down we turned down two of the refrigerator trucks, we walked around the building. We can't hear anything anymore.

Mr. Furst: Are you still hearing the noise?

Member Quinones: Over the last three weeks or so I haven't been hearing much noise.

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Mr. Loch: When they were doing the watermain, I spent a lot of time over at the site, I was there during the day. They're running almost all of the equipment during the day, I'm not aware of any equipment that they're running in the night hours. I didn't hear anything that seemed unreasonable. One time I was there and there was a refrigeration unit on a tractor and that was loud. They did eliminate, they used to do a certain type of compaction of plastics, for waste, and they don't do that anymore. That had a pretty loud sound occasionally. For a while they weren't running that at night. And now they don't use that process anymore. The shopping center that's up above, Target, Old Navy, their waste is in the back and it wouldn't surprise me that they're coming up there and picking up the garbage there and that's up high so it's going to project the sound right there where you're living.

Member Quinones: The noise was generally around 2-3am. Over the last 2-3 weeks I haven't been hearing the noise. I'm almost certain that the noise was coming from the Superior Pack property. The gentleman in the first house used to hear the noise, we would talk about it and Mike (Zwarycz) who lived directly across from Superior Pack, he also used to hear the noise. So, whatever you did may have corrected the problem.

Mr. Loch: They also have made the employees understand that if they go in the parking lot, they have to be quiet.

Member Quinones: I appreciate it.

Chairwoman Escallier: Since 2015 when we gave you a conditional approval, the conditions were never met. What we found, all the years since then, is that every day you've been out of compliance because you have "x" number of trucks there and you only have 6 loading docks. I want to know, what's it going to take for you to be in compliance? If we give you nine spaces, which you've already numbered since back then, you made an assumption that they were approved or something, is that going to put you in compliance? And you won't have a 10, 11 or 12? Or is this futile? We want to see that you're in compliance and that you don't have any issues. Is 9 enough?

Mr. Furst: I don't think there's much room for anymore, is there?

Mr. Russo: Isn't that why you're also asking for the trailer area in the back?

Mr. Jacobowitz: With more loading docks it will make the turn around much faster.

Chairwoman Escallier: Those doors will certainly help that issue. I asked Mr. Loch if there was somebody on the lot that maintains that traffic. Is there someone that was hired to do that particular job? That would be blessing because then everything is under control.

Mr. Loch: It's my understanding that they try to run everything coming in and out by appointment. It's not a perfect system because you have trucks coming in from various locations, some are early, some are late. They do have an appointment system. They are trying to make sure that they don't have it where suddenly you have more vehicles than you can accommodate on site. I don't know how often you have any significant traffic problems on the site. I have never been there and seen stuff waiting out on the road. I do understand that there was a time when people were parking on the road in the mornings and obviously, I'm not there at 6am.

Chairwoman Escallier: We're talking about the amount of trucks that we've seen on the property. John (Russo) told you about an aerial view that he saw with 22 trucks on the site. I was there every day counting the trucks and they averaged 15. If you have 15 now, and now you have more parking, are you going to be in compliance? No, you're not and that's what I'm getting at.

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Mr. Jacobowitz: We have the loading docks and we have the parking lot so 15 basically covers everything. Probably talking about last year when we had the construction and we had a lot of trucks, tractors and dump trucks were on the property and that's why we also changed. We paid a lot of money to make the construction in the back of the building to keep the traffic around the building as clean as possible.

Chairwoman Escallier: I was going to suggest that you do that. When we went on the walk through, we only saw four trucks back there but there's plenty of room back there. You could take the additional trucks and put them in the back.

Mr. Jacobowitz: We don't want to have them in the back either, it's just for protection in case we have overflow. Instead of congesting the whole property, and the trucks getting backed up on the road, that's why we wanted to have that overflow and add more loading docks to keep the turnaround much faster and cleaner.

Mr. Russo: If the trucks start queuing up, the question is, is someone going to direct those overflow or queued vehicles to go to the back?

Mr. Jacobowitz: The warehouse manager is responsible for that.

Chairwoman Escallier: Ok, now about the lighting. You gave us a site plan and your new lighting plan is not on the site plan. It's got to be on the site plan. Not only that, you didn't come to us before you did the lighting. I don't know how tall the poles are or why the bulbs are facing out when they're supposed to be shining onto your property. And why aren't they hooded? And I don't know why you have that number of them, the lighting is bouncing off everywhere. It's illuminating beyond the neighborhood. Something has to happen drastically because you're illuminating not just the immediate neighborhood but all the way to where I live.

Mr. Loch: There's been lighting on the site for a long time. The poles that are there, are the same poles. What the applicant did was a maintenance operation, they changed the heads. They went towards things that were more efficient, they're leds. I certainly agree that there are some problems, I know that the applicant has readjusted the heads a couple of times. I have only been there once in the nighttime and they were making some adjustments after that. After this meeting, it's dark, I'm going to take another look.

Chairwoman Escallier: If you had come to us before, we could have given you some type of direction.

Mr. Jacobowitz: We felt this was just maintenance.

Mr. Loch: Facilities do things like this without having to come to the Planning Board. You have operations all over, I would assume that most of them haven't come into you and said we're giving up the halogen lights and we're putting in leds. I doubt you have any applicants come in and say I have a shopping center and I'm replacing the lightbulbs. The applicant didn't think that they were doing anything more than replacing the light bulbs

Chairwoman Escallier: Maybe in other town, but in our Village, we have illumination, flood lighting in the Code. Don't you see, if you were in the surrounding neighborhood, that you would be affected. We need some lighting plans or the information on the lighting product, how many lumens are involved.

Mr. Loch: I haven't developed any lighting plans, but I can talk to my client and see what documentation they have on the lightbulbs.

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Discussion regarding the product, pole height continued.

Mr. Dowd: I think that the revised plan should be sent to the County Planning Department because you're within 500' of the municipal boundary line. Next month we'll have John (Hager) report back what he observed tonight with the lighting.

Mr. Hager: My opinion of the lighting, it was existing, and nobody came and asked for a permit to upgrade the lighting. I do agree that it's a maintenance type scenario. I don't believe that any plan was engineered by a lighting consultant to see if the lights that replaced whatever was there were going to be shining off of the site. So it's a trial and error type of thing. Once they put them up, the problem became apparent, complaints were received, several attempts have been made to improve the situation at our request. We haven't done a final inspection yet and I'm going to do that hopefully tonight, but it could be very possible that they need more improvement. We have had cooperation. So I haven't gotten to the extent that I feel that I need to write a violation or I need to require or to refer them to the Planning Board to submit an engineer's plan of the lighting upgrade. If we're going to ask the engineer to submit an updated plan to submit to the County, we should decide if they also need to submit a lighting plan. We can handle this two ways. One, it can be handled with enforcement and me going out and working with the company that's working on the property and see if we can resolve this. I think that some of them have been addressed appropriately and my expectation tonight is that I'm going to ask them to roll some more of them down. The last observation that I made, I thought that some needed to be rolled down more but I haven't been down there since. There was glare that was hazardous to motorist, and those were addressed immediately. The rest of the question with the lighting is more of a spillage, light pollution, if you will. The angle of that lighting is very critical. They're trying to work between getting the biggest area to light up with one fixture versus the Village's needs saying we don't need to see all of this light spilling off the site and being an annoyance. We do have codes that require compliance. I'm looking towards the 239m, if you need lighting shown on the plans, I think you should get addressed before the next generation of plans.

Mr. Dowd: The existing lighting is shown on the plans.

Mr. Russo: Correct, they're looking for a photometrics plans.

Mr. Furst: Do you normally require a photometrics plan for an existing facility?

Mr. Russo: No, but typically we don't have this problem. I don't disagree with what John (Hager) said, usually this is a maintenance thing and you're replacing the light heads and you wouldn't be here.

Member Kelly: The applicant is working with John (Hager) to solve the problem. I think that he took the responsibility just two weeks ago saying we made a mistake. If they're working together to solve the problem, maybe you could come back and tell Irma (Escallier) that the problem is solved.

Mr. Russo: I think that we can still go for the 239m review without the lighting plan. I think this should be in John (Hager)'s court, whether or not it's in compliance or a violation.

Discussion broke out.

Mr. Hager: One more thing, it keeps coming up, 6 parking spaces, 9 parking spaces. I think that the engineer suggested last time that they number the spaces where the loading docks are. When you say that you're approved

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for 6 parking spaces and then there are 6 more against the building. What I have always interpreted that you would expect to see a trailer in each loading dock.

Mr. Loch: We will put numbers in the spaces in front of the loading docks.

Mr. Russo: So, you will have 8 spots at the loading docks, and 9 on the side.

OLD BUSINESS

Chairwoman Escallier: At the June 11th Village Board meeting, the Public Hearing was held on Local Law #7, which is what we suggested. There wasn't anyone present and no written comments, so we're just waiting.

Discussion regarding using tablets versus paper for the Board members and consultants.

Further discussion regarding other projects and their status.

MOTION was made by Member Escallier to close the Planning Board meeting of June 17, 2019 at 9:20pm.

SECOND was made by Member Kelly.

AYE Member Escallier

NAY: -0-

Member Kelly

Member Klare

Member Quinones

Respectfully Submitted: _____
Barbara Singer, Recording Secretary