

**PLANNING BOARD MEETING
MARCH 15, 2021
7:30PM**

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES DECEMBER 21, 2020**
4. **38 COMMERCE DRIVE LLC
108-1-12
SITE PLAN**
5. **RIGHT CHOICE BUILDERS INC
101-2-1.12

REVISED SITE PLAN APPROVAL**
6. **12 COMMERCE DRIVE REAL ESTATE LLC
108-1-10
DISCUSSION**
7. **85 ROUTE 17M
103-5-2
DISCUSSION**

**THE NEXT PLANNING BOARD MEETING IS SCHEDULED FOR
MONDAY APRIL 19, 2021 AT 7:30PM
SUBMISSION DEADLINE FOR THE PLANNING BOARD MEETING IS
MONDAY APRIL 5, 2021.**

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
March 15, 2021

Chairwoman Escallier opened the Village of Harriman Regular Meeting of March 15, 2021 at 7:30pm.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: Chairwoman Irma Escallier, Board Members Ron Klare, Jim Kelly, Neil Murphy, John Russo, Engineer, Kevin Dowd, Attorney Kimberly DeSocio, Building Inspector and Marie Coimbra, Recording Secretary.

Absent: Board Member Juan Quinones,

MOTION was made by Member Klare to accept the Planning Board minutes of December 21, 2020.

SECOND was made by Member Kelly.

AYE Member Klare

NAY: -0-

Chairwoman Escallier

Member Kelly

38 COMMERCE DRIVE LLC

108-1-12

SITE PLAN

Present: Larry Toro, Engineer

Mr. Toro: Since the last time that we here were, we've finalized the approval with the Army Corp of Engineers. We have comments from John Russo's office and for the most part I think that they are housekeeping like items, details to work out and nothing that we foresee changing the proposal of the plan. We wanted to talk to you about possibly setting a Public Hearing date for the project. Another item, in the permit from the Army Corp of Engineers, there's a stipulation on when trees can be cut on site. They can't be cut between March 31 and October 31, so we would like to have some consideration in getting permission in cutting those trees. We wouldn't want to do anything other than put them down, they're not going to start any stumping or anything like that. If not, we can't do anything until after October 31st.

Member Kelly: We have a list here of general comments from John Russo's office, have they been addressed?

Mr. Russo: No, this is the list that they just received. They haven't addressed them yet, there's a lot of housekeeping, cleanup of construction details, there's nothing significant that's going to change the plans. The only thing that they still have to do is the joint soil testing for the stormwater system that's proposed on site and they have to finish the storm water pollution prevention plan (SWPPP) that's required for the project.

Chairwoman Escallier: I have a question regarding the name of the project.

Mr. Toro: Medix Supplies is what I'm being told. One of the questions that was brought up the last time that we were here was whether there would be a free-standing sign by the side of the road, they've indicated that they don't require that and that they would be inclined to put a sign by the entrance door.

Chairwoman Escallier: I've gone over the landscaping and the trees that are in there and I found that the landscaping would be fine for the first 5 years but after that it's going to be a mess. For example, the Slender Silhouette, which is also called Liquidambar styraciflua and it grows to be 60-75' tall and that's in the front yard. And the spread of it is 40-50' and when you look at the plan, you have three of them together. It's not going to work. The other thing, I did misspeak at the last meeting regarding the jurisdiction of the project, this is entirely within the jurisdiction of the Village of Harriman but the Town of Woodbury has architectural reviews so if they

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don't like what you're doing with your trees or find that they're not in keeping with the other trees that are there, the other trees are Maple trees.

Chairwoman Escallier discusses the landscaping plan with Mr. Toro.

Chairwoman Escallier: Also, the Black Birch also grows 40-70' but that's okay. The Red Maple is fine, those are trees that are along that road which the Town of Woodbury wants to do. The other invasive species is Grissilimus.

Member Kelly: One other thing is that John Russo mentioned, should we start letting them cut the trees right away?

Mr. Toro: To minimize the site disturbance, or any kind of mess on site, we are asking to cut drop the trees.

Mr. Russo: Mr. Toro said that they did receive their approval for the wetland disturbance and mitigation that they're proposing. Within that there are a number of conditions that the Army Corp has also put in their permit that they need to meet. One of them is regarding preclearing and they are only allowed to drop trees on that site between October 31st and March 31st. Mr. Toro is asking that we can grant that so that they can drop the trees in the next 2 weeks. The other condition, Letter H, the Army Corp is requiring a conservation easement or a deed restriction over the wetland mitigation area. Do you know how your applicant is going to handle that?

Mr. Toro: We can easily propose a conservation easement around those areas. We will provide the required documentation to the attorney.

Mr. Russo: You've submitted to Orange County Sewer District #1 already? Have you heard from them yet?

Mr. Toro: Yes, we submitted but no we haven't heard anything from them yet.

Mr. Russo: We will need a written description of the drainage easement. The rest is basically cleanup. There is another special condition in regards to the permit with the wetlands, they would like the applicant to consider installing a split rail fence or signage along the mitigation area. They want to ensure that the area that's being mitigated is not disturbed, whether they're mowing, weedwacking or anything. That the area is left to grow naturally.

Mr. Toro: My client would like to post signs along the perimeter unless the Board is looking for something else.

Mr. Russo: The Army Corp is stating that they would like either fencing or posted signs, how would the Board like to proceed? There is no other fencing in the area.

Chairwoman Escallier: I think that the signage would be better.

Mr. Russo: The other comments have to do with cleanup as far as construction details, cleanup of the plans, the storm water soil testing needs to be done so the SWPPP system can move forward. You do have a viable site plan for a Public Hearing. Your biggest hurdle is going to be Orange County Sewer District.

Chairwoman Escallier: Do you feel that the applicant will have a completed site plan by May?

Mr. Toro: I would think so. The biggest obstacle would be the soil testing and with the snow melted we can proceed.

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MOTION was made by Member Klare to declare the Village of Harriman Planning Board Lead Agency.

SECOND was made by Member Kelly.

*AYE Member Klare
Chairwoman Escallier
Member Kelly
Member Murphy*

NAY: -0-

MOTION was made by Member Klare to set the Public Hearing for Medix Supplies on April 19, 2021 at 7:30pm

SECOND was made by Member Kelly.

*AYE Member Klare
Chairwoman Escallier
Member Kelly
Member Murphy*

NAY: -0-

MOTION was made by Member Klare to allow Medix Supplies to cut down trees on the site until March 31, 2021.

SECOND was made by Member Kelly.

*AYE Member Klare
Chairwoman Escallier
Member Kelly
Member Murphy*

NAY: -0-

RIGHT CHOICE BUILDERS INC

101-2-1.12

REVISED SITE PLAN APPROVAL

Present: John Loch, Engineer, AFR Engineering

Mr. Loch: This is a site where they're building a combination of offices and warehouse facility, it has been before the Board for a substantial period of time, they received approval and they have begun doing work. At this point, a portion of the site has been cleared, done some grading work, and the initial installation of water service to the site. Their excavating contractor went to the builders and said that they were way out of balance and a lot of soil would have to be removed from the site. They thought they had a more balanced plan. An architect was working with them, and they were also working on design work on the stormwater with Sparaco and Youngblood. Sparaco and Youngblood looked to balance the site but what they were doing was taking the portion where the parking and building and raising it up 1 1/2' and making the appropriate adjustments to the grading. Apparently, they never brought that back in front of the Board. I didn't realize that hadn't been before the Board. They also met with the adjoining property owner and one of the things that they realized is that nearby, off the site, is a very large hole. They met with this property owner and he was interested in having fill pushed in there by doing so would give him more usable land, it had a number of advantages to him. Also to get a somewhat smooth grade, there's a corner of the property associated with the car wash that would also make sense to put a little fill in. The applicant had us prepare fill plans, and we divided it by two, since there are two parcels involved and submitting them. One of the issues was where the water was running, we're not really changing any of the stormwater flows in terms of direction, but there's already an existing problem on the neighbor's property. The neighbor has paved almost to the property line and essentially it ponds. It will pond several inches whenever there's any rain. We

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want to avoid making that any worse, of course, and one of the things that we've done is carefully designed a swale along that property line. We needed a little bit more getting it out so we proposed adding a pipe through our site and dumping it out at the same discharge point as the rest of the storm drainage for our site. This is what had drove us to be back in front of this Board because we're making a change in the site work. When the applicant realized that he had to come back in front of the Board, he realized that he had other issues on the site, particularly some of the walls are very high and there was the ability to grade things and reduce some of the height. So we have proposed doing some of that, particularly along the west side. We are reducing the height of the wall on average of 4'. What I started with as a base map was what had been developed by others where they had raised the site 1 ½' above what was approved. We have now done some earthworks calculations on it and don't feel like we have to raise it 1 ½' if we are going to be able to use the other site area for pushing fill off. We can get it very close to a balance bringing it back down to what was approved, we would be making no changes to the drainage, except for adding one pipe section or draining a swale out. The neighbor's property would be somewhat improved through the fill and they're looking forward to that. We would like to see if we can regrade the one side to reduce the height of the walls. We are a substantial distance from the property line for a large portion of the driveway coming from there, so if we grade it down to a 1:3, which is what we've proposed, we do reduce the height substantially. I have received Mr. Russo's comments and I have no real issues with any of them. Basically, I agree with them. I also received an email from Mr. Russo because Mr. Lanc has also reviewed these plans. I don't disagree with any of the comments, I am concerned regarding the comment about how the wall on the westerly property line is off the property line. On the approved plans, for all practical purposes show the wall on the property line. We were figuring when we would build it, just to be on the safe side, we would kick it back about a foot, but he's bringing up the idea of moving it back about 3', which at that grade we would be putting another 2' block section back in.

Mr. Russo: Can you move it back in even another foot? Just to make sure that you're not encroaching on the neighboring property owner.

Mr. Loch: We could move it back 2' but when you start moving it back 3', I don't know, I would hve to discuss that with my client. We essentially want to go back to the approved plan, make the change of one pipe system through there, regrade a little bit on the westerly side, and indicate how we are matching the grade with the areas that we are proposing to fill on the adjoining property. I think it would be appropriate if we supply your engineer with volume calculations so that you can see that we are trying to do is reduce how much trucking there is coming off the site.

Mr. Russo: The southeast corner where the fill permit is going, are you still going to be eliminating walls or reducing the walls? I know on the new grading plan that you submitted you were eliminating all walls in that area but now you're going back to the walls.

Mr. Loch: Yes, I believe we can eliminate the walls in that area completely. We're regrading it; the adjoining properties won't be needing it. It just may affect how much volume we can put in offsite.

Mr. Russo: Behind the carwash there used to be a wall there and based upon the revised grading you were creating about 2'.

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Mr. Loch: One of the things that didn't make sense to me was why did they have the pavement going so far out to the property line, you don't really need it.

Mr. Russo: I think that was because of the loading docks and the turning movements of the trucks.

Mr. Loch: Right now, the building that they have, they don't have loading docks over there. Another thing, if you look towards the other lot, where we're filling, I would like to move the curb closer to the property line and that will improve the turning radius. I noticed that is very tight.

Mr. Russo: So you're going to be able to eliminate 95% of the walls on the south and southeast side.

Mr. Dowd: I'm assuming that you have the consent of the other property owners? Can you provide that to the Planning Board?

Mr. Loch: Yes, we do. We provided that information with the fill permit so we can get that to the Planning Board as well.

Mr. Russo: In regard to the fill permit, the Building Department and myself have been receiving calls from the tenant of Harriman properties, Bob? Yoel continues to talk to him and give him misinformation. Bob is claiming that Yoel is telling him that there's going to be a structure on his property, which I keep telling him is not. I think this has something to do with the maintenance agreement. I explained to the tenant there that we are looking for a maintenance agreement regarding the swale on the easterly side of the Harriman properties so that anything that drains off Harriman properties doesn't drain into D'Amico's property, it's drained out, picked up in a catch basin and drained down to the river. The catch basin is on the Right Choice parcel, so we want an agreement in place between the two property owners so the tenant of Harriman Properties could actually walk on to Right Choice property and clean off the top of the basin if it got covered over with leaves or anything else. Instead of him having to make a telephone call and wait for somebody to clean it up, when the event has already occurred, the damage has already occurred.

Mr. Loch: Ok, I know what that discussion is concerning. They tried to include me on a conference call regarding this. The tenant seemed to think that we were bringing the piping onto his property and he was also concerned that we were giving him an obligation to maintain the drainage facility. I will see what I can do to get that addressed. We did make sure that the drainage that we're proposing to put down is deep enough so that if the property to the east ever wanted to solve their drainage issues, from an engineering standpoint, they could connect to this.

Mr. Russo: So the fill permit has started and the reason that we've requested that you come back to the Board before you even talked about modifying the site plan was because as the fill permit was progressing along, they were starting to modify some of the retaining walls on the site. I wanted the Board to be aware of the changes that were going to be occurring. They are minor changes; I think that the Board might have a problem with the wall heights being reduced and some walls being eliminated from the site. Like John (Loch) said they were looking at the rest of the site and looking to lessen the walls, modify some of the grading, and make some other changes. You

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have two things before you, (1) a modified site plan, (2) bringing you up to speed on the fill permit and process. At this point, you're going to go back and modify the plans, and bring them back to the Board.

Chairwoman Escallier: I am going to make the maintenance agreement one of the conditions for final approval, that Right Choice provide either an easement or an agreement Harriman Properties to enter into the Right Choice site to maintain the proposed drainage system. In the event that the basins fill with debris, or the pipes clog.

Mr. Dowd: Is the other property owner, Frankie's Carwash, affected by this? And if so, do they have to be involved with the drainage agreement?

Mr. Russo: It's all under the fill permit. They have a letter from Harriman Properties and the Car Wash site to allow them to do the fill work. John (Loch) will work on that agreement.

12 COMMERCE DRIVE REAL ESTATE LLC
108-1-10
DISCUSSION

Present: *Nickitas Panayotou, Provident Design Engineering*

Mr. Panayotou: My client, Martin Milano, is the president of 12 Commerce Drive Real Estate LLC. I did receive some comments from Lanc & Tully. This property has a bit of history to it. Our firm used to be called Raymond Keyes Associates and Raymond Keyes Associates was the engineer on the ICC (Interchange Commerce Center) subdivision put forth by the ICC associates back in the 80's. At the time we were the chief engineer for the environmental process and that lead to a subdivision for sites A, B & C. And you may know that Site C is what is known as the Kohls Shopping Center. Our client, Martin Milano, actually developed the Hampton Inn at the east end of that center. In 2006, we came before the Board for this project that lead to an approval for an industrial site plan. That was put forth by All Bright Electric and our client bought the property from All Bright a few years ago and he is putting for a development of 110,300 square feet of warehouse. We have about 75 parking spaces and we used an employee count of 141 in three shifts, and we used the two larger shifts to come up with the parking, which is 2/3 space per employee. We have a traffic flow study that separates the inbound movement for trucks and inbound movement for parking. The trucks would come in on the westside and exit on the eastside, the automobiles won't be able to exit via the eastside. We did ask if the height limitation in the PAD zone, whether or not the Board would allow us to put in a higher than 35', since up to 50' permittted in the I zone. In my thinking, given everything that was industrial, the Planning Board would have the latitude to do that. We understand the language doesn't permit that so we are changing the concept to comply, we are not going to seek a variance at this time. In going through the comments, regarding the height, we will speak with the architect and see what his thoughts are. Who is the traffic study consultant for the Board?

Mr. Russo: Since this is your first appearance, we don't have one. I would like to bring in Phil Greeley from Maser.

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Mr. Panayotou: We have worked with Maser before, should we reach out to them? For the union project across the street, we did do a traffic study of the intersection of Commerce Drive South and NYS Route 17. Perhaps that scope would be sufficient.

Mr. Russo: No, we'll reach out to them. You can submit a scope and we will submit that to our consultant and let him determine if that's sufficient or if more information would be needed.

Mr. Panayotou: When the ICC subdivision was established, we basically assumed that there would be over 600,000 square feet of industrial use on this site. Because of all of the wetlands issues, that were determined after the subdivision. At the time, they weren't a big deal even though the regulations were in effect, but because of that I don't think we will even get to 2/3 of the users in square footage that was assumed. This is why I feel that the traffic study will prove out and not be an issue. We have a wetlands analysis, Jim Bates, he's been communicating with the Army Corp of Engineers for about a year now because the regulations have changed. We felt as a result in the change of the regulations, that the Army Corp would agree that the wetlands are no longer wetlands because they are really isolated. That process has been drawn out to the point that we felt it would be prudent to accept the wetlands on site as wetlands, rather than continuing the discussion, and work around them. We are limiting the wetland to less than .10 acre of impact which is fairly easy process to go through with the Army Corp. We are going to file the plan with the Army Corp but we wanted to go before the Board to make sure that there weren't any major issues with the plan itself. The next comments in relation to Orange County Sewer District, and water with the Village Board, we know that we have to make those submittals, and we will. We actually designed the well years ago and the sewer pumping station that pumps the sewerage up the hills. Our architect will provide the architectural renderings as part of the site plan. We will provide turning analysis to show that there's sufficient room. We designed it so that even the largest trucks will be able to make the turn. I'm not quite sure, I will have to talk to the architect whether this particular facility, our client has been working with people regarding tenants and those guidance was used in preparing the plan. I don't know that there's going to be any separate area that will be just an office, maybe an area for people who are in management are in but our consultant the architect will be able to answer those questions. My question is, if it's an office area, I know that the Code states if there are two different uses that you have to use the criteria for office for parking and then the criteria for warehouse, but I have a feeling that if it's an office that's related to the use you can still use the employee count.

Mr. Russo: The industrial office refers you back to the I zone. It states you would need one space per employee and one space per every 100' floor area. If you have space that's not part of the warehouse and there's a desk, it would be considered office space.

Mr. Panayotou: We will provide a color cut and fill analysis. I'm sure that you know that our client brought in 15,000 cubic yards of fill in advance to make the site look good and that was completed in 2019. We will also provide the SWPPP and we will be in touch with the architect and find out where the entrance and exits are going to be and show them on the site plan and also show sidewalks.

Chairwoman Escallier: you've told us about the site plan and the lot but what about the business that's going to be there? What kind of business is going to be there?

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Mr. Panayiotou: It's a warehouse and we haven't identified a tenant yet. We are trying to make conservative assumptions regarding the tenant so that we don't have to come back before the Board. Right now the warehouse market is very strong, so he may opt to build this on spec, he's being advised that the market is so strong, that if you build it they will come. So we will fill out an application and a short EAF.

Mr. Russo: I advise that you file the long EAF.

85 ROUTE 17M
103-5-2
DISCUSSION

Present: Steve Brown, Applicant

Mr. Brown: The purpose of this narrative is that I put some color aerials for you to see. This property is on the corner of Harriman Heights Road and NYS Route 17M, currently it's used as an auto repair facility, it is approximately 2 acres. The applicant is seeking to use a small portion of this lot in addition to its current use for storing containers, empty, clean dumpsters, basically, behind a screened fence. The fence would be secured so people couldn't dump into them. The property is located in the B-2 zone. We are proposing to use 6-8,000 square feet of this 82,000 square foot lot. If you look at the aerial view, you can see that the property is a little mis-shapen. This was a rectangular piece of property and the current owner owns the rest of the piece that would square this off, there's a residence on that. Where the main building is, the auto repair facility, there is a fenced in area attached to that. So we're proposing that the area where the fence already is, where you can see several vehicles parked there, we were proposing to extend that fence and make an L in the back of the building and keep everything screened off so this new use in addition to what's there be hidden from the public and traffic. We feel that in the Code, that it falls under a few different guidelines, I believe, called a non-use industry, that's any trade, industry or business process conducted which is not intended to be noxious or offensive. This is clean items, placed on the property so that particular service can get to their clients faster with the right box. It could also be under the B-2 principle uses #9, that says that all B-1 uses either separately or in combination in a single or multiple structure at the discretion of the Planning Board. It's this Board prevue that I believe to allow this type of use, it's pretty clean, quiet, less intense than the use that's presently being used. The principal use now is auto repair and the auto repair facility would remain intact. There would be this storage of these units.

Mr. Russo: What are these containers being used for?

Mr. Brown: They are roll off containers used for construction debris. The name of the company is On Time Disposal. They have offices in Goshen and several other locations. They try to get you the container as quickly as possible so they would need a few different sizes in a few different locations.

Mr. Russo: The auto repair facility is going to be the primary use in this site?

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Mr. Brown: At the moment, yes. There is an desire by this applicant in the near future to redevelop the entire site but we wanted to come in and make sure that he could use the site for what he's looking to do right now. He wants to keep the car repair there, wants to add some fencing, which we would come in with a survey and site plan to show exactly where that fence would be. I don't think that anyone would really notice that anything different was going on there. This is not a business that is done at night, this is a 9 to 5 kind of business.

Mr. Russo: Is your client going to have an office there? And how often will it be manned?

Mr. Brown: Yes, there will be a small sales office that will be manned but I don't know how often.

Chairwoman Escallier: The accessory is not part of the principal use, its not related to it. They can exist separately.

Mr. Brown: You do have the ability under the Code that I mentioned.

Mr. Russo: They do but they don't. You mentioned #9, with businesses in the B-1 if you look at the businesses in B-1 they don't have any outdoor storage associated with them. You can't take something from one table and apply it into the other table. If your client was going to have an office in the repair shop, that the repair shop wasn't there, and this was going to be an accessory. That would fall under the special permitted uses #7, retail sales with outdoor product display and storage in the B-2 zone. In the B-1 zone #9 principal permitted uses, B-1 business uses don't have any outdoor storage uses associated with them. You can't take from one table and apply it to the other table. For example, if the repair shop wasn't there and your client was going to have an office in the repair shop and then this outdoor storage was going to be an accessory then that would fall under special permitted use under #7.

Mr. Dowd: Right now, the repair shop is a pre-existing, non-conforming use in the B-2 zone. And now you're trying to add this storage facility for a different use which would be an accessory to something that doesn't exist. There's no office that can even be considered. The use itself would be the renting or selling of these dumpsters but nobody is doing that on the site, they're only be stored on the site.

Mr. Brown: What this business wants to do is redevelop this property totally. I don't know what their goal is for the future, whether an office or a strip mall, this B-2 zone is very flexible, there's a lot of things that can happen there. His real reason to purchase this is for his own use, he's looking to use a small section of this where if you have to have an office in a strip mall, you've got plenty of room on this property, it's almost 600' long and they're only suing a very small portion of it right now.

Mr. Dowd: You're saying that right now On Time Disposal wants to buy this site? Are they in contract to buy this site? What's going to happen if they buy the site and they get rid of the non-conforming auto repair shop?

Mr. Brown: That is correct, yes. He wants to make sure that what he wants to do is not against the rules and knows exactly what he's getting into. That's why we're trying to find a section of the Code that would work, even temporarily for what he needs to do.

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Discussion regarding the property and use.

Member Kelly: How many containers is your client planning on storing on the site?

Mr. Brown: Between 8 and 12 of various sizes, each take up about a parking space.

Mr. Russo: Some of these containers are 7' high and you're not allowed to have fencing over 4' high in a front or 6' high in a side yard. How are planning on screening that?

Mr. Brown: We would be using live vegetation as a screen. But there is an existing 6' high fence that could be used.

Mr. Dowd: That is for the impound yard and you can't expand a non-conforming use, not without a variance.

Discussion regarding the cleanliness of the dumpsters after use.

Mr. Brown: We are proposing a little sales office, and keep the auto repair for now, while this person develops a plan to redevelop the entire site because they're only utilizing a very small portion of the 2 acres that is there. He would have to come back with a site plan anyway for this to show you. It would require site plan approval, at least an existing conditions map with everything that you need to see, fencing.

Mr. Dowd: And now you're saying you're adding a retail component to a non-conforming use. That would kick it to the Zoning Board.

History of the property use was discussed.

Mr. Brown: In order to effectively screen the dumpsters from the front of the site, nothing higher than a 4' high fence, we could have a berm with a fence or a berm with landscaping on top.

Mr. Russo: How wooded is it? To the far side? Because the next parcel over is residential, you would be required to have a landscape buffer.

Mr. Brown: It's not densely wooded as you're heading south. I would say that you have about 250' of wooded area. Where the impound yard is, the impound fencing lot, there's a row of pines there already screening the residential property that's behind it, which is also in the B-2 zone, but it's a residential use at this point in time. The first thing that this client wants to do is buy the property, if he can use it for what he wants it to use it for; have a small spot on the property that he can store his containers, continue using it as an auto repair shop. Later he wants to redevelop the property into something that makes financial sense. At the moment, it is a little bit up in the air because he wants to make sure that if he makes this transaction, he can actually put his containers there. Otherwise, he's not going to buy it. There's nothing that's required to be built on the site now for what he's proposing. There's a 2800 square foot block building, it's currently being used for a repair shop, you've got fencing out there. There's nothing that needs to be built, per se. In coming before this Board with a site plan, in

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order to get the screening done, this person doesn't want to do anything that's not above board, he doesn't want any problems. He will do a full survey, do a full site plan showing the existing conditions, entrances, showing what's there and potentially show the fencing or the berm that we would need to conform that's under 4'. If we can't screen it properly, I think that's a big component in this, you don't want the public seeing it. We have no problem doing the work and bringing this in with a new site plan that shows the proposal for the new screening and where the area for the storage would be and how the use would be used within the existing building, either the repair shop or retail. We wanted to get a feel for how the board was interpreting the Code for this and how we could move forward. The ultimate goal by this gentleman is to buy it, redevelop the whole thing, still have an office there and have container stored so that he has a little depot that he can get stuff done quickly and maybe get some rental income from the other retail establishments that would be there eventually.

Mr. Russo: So what you need to do is present a survey and a site plan showing everything of what you're proposing to do. You would have to have a principle permitted use on the site and show the screening. With that said, that doesn't guarantee that the Board is going to allow it. This falls under the special permitted use which requires full site plan approval from the Planning Board.

Chairwoman Escallier: Any height difference in the fencing would have to go to the Zoning Board for approval.

MOTION was made by Member Klare to close the Planning Board meeting of March 15, 2021 at 9:20pm.

SECOND was made by Member Kelly.

AYE Member Klare

NAY: -0-

Chairwoman Escallier

Member Kelly

Member Murphy

Respectfully Submitted: _____
Barbara Singer, Recording Secretary