

**PLANNING BOARD MEETING
MAY 17, 2021
7:30PM**

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES APRIL 19, 2021
4. 12 COMMERCE DRIVE REAL ESTATE LLC
108-1-10
DISCUSSION
5. VILLAGE VIEW ESTATES
101-1-1.-31
CONDITIONAL FINAL SUBDIVISION APPROVAL EXTENSION
6. 38 COMMERCE DRIVE LLC
108-1-12
SITE PLAN

**THE NEXT PLANNING BOARD MEETING IS SCHEDULED FOR
MONDAY JUNE 21, 2021 AT 7:30PM
SUBMISSION DEADLINE FOR THE PLANNING BOARD MEETING IS
MONDAY JUNE 7, 2021.**

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
May 17, 2021

PLEDGE OF ALLEGIANCE

Chairwoman Escallier opened the Village of Harriman Regular Meeting of May 17, 2021 at 7:30pm.

ROLL CALL:

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

Absent: *Board Member Neil Murphy.*

MOTION *was made by Member Kelly to accept the Planning Board minutes of April 19, 2020.*

SECOND *was made by Member Klare.*

AYE *Member Klare*

NAY: *-0-*

Chairwoman Escallier

Member Kelly

Member Quinones

12 COMMERCE DRIVE REAL ESTATE LLC

108-1-10

DISCUSSION

Present: *Nick Panayotou, Provident Design Engineering*

Mr. Panayotou: Going through the review letter from Lanc & Tully engineers, I will say that we don't have any issue with item# 1, we will be changing the description to make it consistent with one. Everyone knows they're building a warehouse but not doing light industrial for some reason. Light industrial got into one of the pages, so I'll take it out. The second item is the Village traffic engineer submitted a draft scope of the traffic study, I don't have any issues with the draft scope and we are prepared to go forward with it.

Chairwoman Escallier: Did the Board members see the draft? It gave us a preview of how they were going to prepare it and we are supposed to tell them yes or no if we accept it.

Chairwoman Escallier circulates a copy for the Board members to review.

Mr. Russo: The draft scope is looking at the existing conditions at several intersections in the area, also looking at accident evaluations, going through different scenarios as far as no built conditions, built conditions, site generated traffic, and they would be preparing a report with all of that information for our consultant to review. The intersections that they were looking at are Route 17 and Evergreen Road/Commerce Drive South, Route 17 and Grove Street, Route 6 and Route 17M/South Main Street, Route 6 EB On/Off Ramps and Larkin Drive, Route 17 and Route 6 WB On/Off Ramps. Those are the intersections that the Village's consultant asked them to look at.

Member Quinones: The study hasn't been done yet?

Mr. Russo: No, the Village's consultant put this draft together for the Planning Board. He also submitted it to the applicant for his engineer to review to see if they had any concerns, comments, which they don't. The applicant is willing to accept it as is, they just need this Board to grant permission to move forward.

Mr. Panayotou: Regarding Item #3, there are three or four options on how to procure this particular comment. Our firm made a mistake as far as setbacks are concerned. We could either apply for an area variance or if we

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use the special use provision of the Code, we would be okay with the area, it would be 5 acres and we have 7.802, but we would have to apply for a front yard variance. In addition to that, our applicant would really love to have a building that has the same height right across. In the I zone, the height is 50' and in the PAD zone the height is 35', he dropped the height from 40' to 35' as we crossed the zone line. The applicant would like to get the 40' height all the way across because the information that he has received from people who are in the business, indicate that 36' clear height is ideal for a warehouse use and for 36' clear height you need 40' to cover the extra depth that you need for the roof, systems, etc. I talked to Mayor Medina to let him know what's going on, we could do either, ask for variances from the Zoning Board of Appeals or there could be a map adjustment with the zoning lines instead of splitting the property, shift it to the common line between this parcel and Takasago. The Mayor said that he would look into it and get back to us with the best course of action in his view and then we would take that information, brief our client and we would make a decision on how to go forward. I believe that the Mayor said he would try to get back to us this week.

Chairwoman Escallier: So then you would make a decision on whether you will go to the Zoning Board or the Village Board.

Mr. Panayotou: There is another option that's not the best. I found a way to reconfigure the building so that it complies, it works, but we would rather not do it this way. And still we would have the same 110,300 square foot building. We would prefer to keep the building the way that it is.

Chairwoman Escallier: You're wanting to build up the 35' area so that it's the same height for the entire building.

Mr. Panayotou: We decide also to go with the split height, and adjust the building to meet the setbacks. It's a matter of getting all of the information together, presenting it to the applicant and then he'll decide what's best. And of course, the next submittal would have that information for your consideration. Realistically, I think that we are going to need more time to get this all ferreted out, so we are not likely to be on this Board's agenda until July. The other comments on the review letter, have to do with the summary chart and we can cure that. We can change the table so that it accurately reflects. We thought the minimum side yard was 75' but we saw 73' but we can cure that. The lot area, I have to get the deed which I've asked the applicant for. If you take 7.808 it computes to 43,560, but if you use the number that was on the survey, it's a little higher, that's the number that we had. So, I suspect it's probably a rounding situation where maybe the area is 7.80222 but I don't know. We'll cure that, we're going to get the deed and if there's an area on the deed, it controls. A lot of the other items, except items 9 & 10, are repeats from what we had before and they are asking for detailed plans, SWPPP, all of that and we understand that and will provide all of those as part of the next submission. Item #9, Lanc & Tully would like us to show the floodplain on the map, and we will do that. Item #10, is a little difficult and we are going to do everything that we can to prove to Lanc & Tully that we can make it work. Back in 2006, there was an All Bright Electric application, and on that application we used the floodway area for storm water management and that's what we are trying to do now. I understand that the regulations have changed but in my view, they haven't changed in respect how you can use the floodway. I think in this particular case, we have a situation where (I agree with Lanc & Tully) that's it's not a good idea to use the floodway for storm water management however, in this particular case, the site elevations are such the above site elevation the flood is going to be an average (and this is the 100 year flood, one that occurs only once in every 100 years, on average) of 6". We would prefer to use the Code reference Section 82-14B (2), and as a professional engineer I would certify that it would work, and of course they

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would have to agree with my certification. The Code permits a professional engineer to come up with a plan and certify that it works. We're thinking of having an infiltration basin, which is really the best lean infrastructure practice that you can use. What happens is the water infiltrates into the ground and therefore reduces the runoff and this is what everyone is striving for. I think we'll be able to do it but based on the soil information that we have now, but if the groundwater table is 14 or lower, which I suspect it is based on the information that we have, we'll be able to do it. We would enhance the volume in the floodway by lowering the grades in the vicinity of the Ramapo and providing additional storage so that once you have additional storage volume that works to keep the levels where it was before. Now, it's possible that the flow being at 19.5 and our facility would be lower than 18.8 in the perimeter so there would possibly be some water that would come over it and if there's some damage to it, the applicant has to operate that basin and as part of that operation he would commit to maintaining any particular damage. We're going to keep the basin as far back in the floodway as possible and it's not like you're going to have water that's going scour it down there, it's going to flow, and the velocity isn't too great because it's pretty flat. I think that we can make this work. This is the direction that we want to go because it's the best practice because you're suing the surface with evaporation, runoff reduction and it's going to be very shallow. If the groundwater is at 14, I cannot be any lower than 16 with the pond.

Chairwoman Escallier: Lanc & Tully will also determine whether this has to go to FEMA or the Army Corp of Engineers.

Mr. Panayotou: We don't want to go that route. There are two routes that you can use, either an engineer can certify it, or we get the Village's permission to go to FEMA. If we have to do that, we will look at other approaches.

Mr. Russo: At this time, the Board needs to consider the traffic engineer's scoping document.

Chairwoman Escallier: The only comment that I have is that I thought that it was adequate with the intersections and the times that the study is being performed and that overall, I think that it's going to be okay.

MOTION was made by Chairwoman Escallier to accept the Draft Scoping Outline for B-12 South Commerce Drive Traffic and Transportation prepared by Maser Consulting.

SECOND was made by Member Kelly.

AYE Member Klare
Chairwoman Escallier
Member Kelly
Member Quinones

NAY: -0-

Mr. Russo: Mr. Panayotou is correct. There are multiple ways of handling the zone concerns. Whether it be to go to the Village Board and shifting the zone line or going for variances, that's something that he will have to discuss with this applicant and once he has all of the information, which way they want to move forward with the project. If you want to go to the Zoning Board, this Board would refer you there. Do you want this Board to refer you at this time?

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Mr. Panayotou: I would like to wait because I think our preferred way is the zoning line adjustment. Can we start the SEQRA process?

Mr. Dowd: It's too early to be starting that. There's the floodway issue, the zoning line change first.

Mr. Panayotou: When the applicant purchased the property, he had plans that showed that it was an approved thing and I think it was approved because there were a lot of good reasons, it's a shallow floodway so we would like to continue doing that.

Mr. Dowd: As you know, the rules have changed. Even with wetlands, these things change all of the time and you have to comply with changes.

Mr. Panayotou: That regulation didn't change. The clean infrastructure regulation was put in. I think we need a maintenance agreement that covers the fact that we're going to maintain it and restore it if a flood comes along and damages it.

Mr. Russo: You may also consider breaking the system up. Given the building, you may want to have small pocket areas around the site itself.

Mr. Panayotou: We are looking at that in the front, there's a 50' green area there.

Mr. Russo: I didn't know if they were going to have any irrigation there, so you could put in chambers for irrigation.

Mr. Panayotou: I don't know what they're going to do and they're getting soil information so that they can decide what the best way to go is. Until I know what the groundwater is, I can't tell.

Mr. Russo: When you start doing soil testing, Lanc & Tully will have to come to the site and witness that.

Mr. Panayotou: We have a proposal from Carlin- Simpson for consideration. We have taken care of everything as far as quantity, certain number of test beds that infiltrate, etc. I can send you a plan as far as to where we're thinking of putting the test beds that we're going to give to Carlin-Simpson so that you have a heads-up and we'll give you a firm date as to when this will happen.

Mr. Russo: Ok, that would be good.

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VILLAGE VIEW ESTATES

101-1-1.-31

CONDITIONAL FINAL SUBDIVISION APPROVAL EXTENSION

Present: Larry Adler, Owner

Chairwoman Escallier: I received n e-mail from Larry Adler, Village View Estates, asking for an extension. They're saying it's going to be the last one.

MOTION was made by Chairwoman Escallier extend Village View Estates' s conditional final subdivision approval for 6 months.

SECOND was made by Member Kelly.

AYE Member Klare

NAY: -0-

Chairwoman Escallier

Member Kelly

Member Quinones

Mr. Russo: He's still working on approvals.

Mr. Adler: The sewer district gave their approval so that we can make our submission to the Department of Environment for the sewer permit. The water is already approved.

38 COMMERCE DRIVE LLC

108-1-12

SITE PLAN

Present: Larry Toro, Engineer

Mr. Torro: Since our last submission, we still need to provide some information on some details. We talked about the SWPPP (Storm Water Pollution Prevention Program) and moving the system around, which we've done, and there's some clarification required and on some of the details.

Mr. Russo: The did submit a preliminary SWPPP, we had some comments on that and Mr. Torro's team is working on that. There was some additional information that we asked to be included, a few things to be corrected. They still need to received approval from the Orange County Sewer District. Their attorney is going to be working with the Village's attorney to formulate some language regarding the drainage easement.

Mr. Dowd: I have been in touch with their attorney, and we have the metes and bounds description and the map which shows where the drainage easement will be, it's just a matter of getting the language but that could also be a condition of the final approval as well.

Mr. Russo: We've asked for some additional information be added to the plans, There are several manhole structures around the underground storm water infiltration system, so we've asked for more information to be included regarding each of those structures. We've also asked that the metes and bounds be removed from the plans. It was just too much on the plans. We've asked for some clarification on the detail. This is the fist time that we've received the SWPPP so we had some comments regarding that.

Mr. Torro: We received approval from the Village Board for water. Will the final approval be held up because of the sewer district permit?

Chairwoman Escallier: Yes.

MOTION was made by Member Kelly to close the Planning Board meeting of May 17, 2021 at 8:10pm.

SECOND was made by Member Klare.

AYE Member Klare

NAY: -0-

Chairwoman Escallier

Member Kelly

Member Quinones

Respectfully Submitted: _____
Barbara Singer, Recording Secretary