

**VILLAGE OF HARRIMAN PLANNING BOARD MEETING**  
**Regular Meeting**  
**May 21, 2018**

*Chairwoman Escallier opened the Village of Harriman Regular Meeting of May 21, 2018 at 7:30pm.*

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

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

**Absent:** *Board Member Michael Zwarycz.*

*Mr. Dowd: Member Zwarycz is not present today, so Alternate Kelly will be sitting in tonight*

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

**SECOND** was made by Member Stanise

**AYE** Member Escallier

**NAY:** -0-

Member Quinones

Member Stanise

Member Klare

Alternate Kelly

**PUBLIC HEARING**

**METROPLEX**

**108-2-7.1**

**Present:** *Jeremy Valentine, Lehman & Getz; Gary Steiner, Martin Brower.*

*Mr. Valentine: As discussed at the last meeting, this is a 22,500 square foot addition for dry storage to the existing warehouse with an additional employee parking lot. We are under an acre of disturbance but we're doing the storm water retention/detention and water quality. The whole site is in the Village of Harriman although Woodbury still has to be informed. County Planning had comments, they had issues with spills and contaminations there so I contacted DEC and they sent me a list of everything that's happened on Commerce Drive. One of them was our site but as per the letter from DEC they say that everything on their list has been rectified and is good to go. They told me about the Indiana bats and the trees have already been removed. The stumps will be removed next week, hopefully. Then there will be erosion control, with a silt fence, trenches. All of that will be in before they do the stumps. Another issue that Orange County had was the impervious. They counted the lot coverage as impervious surface but the Village of Harriman's code is the building itself. I was asked to revise the lot coverage and on the next set of plans that I submit it will show lot coverage just for the Village of Harriman which works out to 33% from what I had previously.*

*Chairperson Escallier: The only thing that I ask is that on the next set of plans make it clearer, the front setbacks and then your parking and then the building.*

*Mr. Peck, Commerce Drive: They are very good neighbors, they keep everything nice and clean.*

**MOTION** was made by Member Kelly to close the Public Hearing.

**SECOND** was made by Member Klare

**AYE** Member Escallier

**NAY:** -0-

Member Quinones

Member Stanise

Member Klare

Alternate Kelly

Mr. Dowd: All of the trees that the County is referring to have been removed already? And what does the actual lot coverage come out to be?

Mr. Valentine: Yes, there's no more clearing that has to be done. If you look at just the area in the Village of Harriman itself, it becomes 33%.

**MOTION** was made by Member Kelly to issue a Negative Declaration under SEQRA

**SECOND** was made by Member Klare

**AYE** Member Escallier

**NAY:** -0-

Member Quinones

Member Stanise

Member Klare

Alternate Kelly

**MOTION** was made by Member Klare to grant a conditional final approval for the additional 22,250 square foot addition conditional that any fees are paid that are due and two amendments to the plans as stated by the Village engineer.

**SECOND** was made by Member Escallier

**AYE** Member Escallier

**NAY:** -0-

Member Quinones

Member Stanise

Member Klare

Alternate Kelly

**MOTION** was made by Member Quinones to accept the minutes of April 16, 2018.

**SECOND** was made by Member Stanise

**AYE** Member Escallier

**NAY:** -0-

Member Quinones

Member Stanise

Member Klare

Alternate Kelly

## **VILLAGE VIEW ESTATES**

### **101-1-1.31**

#### **CONDITIONAL FINAL APPROVAL EXTENSION**

**Present:** No one.

Mr. Dowd: They are getting their approval from the DEC and DOH, it takes a long time. This is a project that we've given a conditional final approval to and they are looking for an extension of that approval until they can get all of their regulatory approvals in place. It's up to the Board how many extensions you grant, they're making progress towards their final.

*MOTION was made by Member Klare to grant a six month conditional final approval extension to Village View Estates.*

*SECOND was made by Member Stanise*

*AYE Member Escallier*

*NAY: -0-*

*Member Quinones*

*Member Stanise*

*Member Klare*

*Alternate Kelly*

**RIGHT CHOICE BUILDERS LLC**

**101-2-1.12**

**SITE PLAN**

*Present: David Niemotko, architect.*

*Mr. Niemotko: We received the comments today and the office had a chance to review them. Some of them are new, some my office felt that they had already answered. I was hoping, with the Board's approval, that a consultants meeting can be set up maybe next week. Then we could resolve some of the technical matters that were on the letter. I think that would be productive. Other than that, I don't have any comments or questions regarding the letter.*

*Chairperson Escallier: I think that a consultant's meeting would be a good idea. There are so many items to be resolved.*

*Mr. Russo: I agree. Although some have been resolved, sometimes making changes, bring others into question. You have already submitted to Orange County Sewer and DOT and the Fire District?*

*Mr. Niemotko: Yes. We haven't gotten comments back from the Fire District but we have reached out to them again. We did get comments back from Orange County Sewer which we incorporated in the plans and DOT, we just heard from them Friday so we didn't incorporate them into the design but the dialog has started with the DOT.*

*Mr. Russo: Any correspondence that you have with them, I would like to be copied. Also in respect to the SEQRA, on page 1, under brief description, you're saying under 10k square foot of commercial storage but the plans add up to a lot more than that.*

*Mr. Niemotko: Absolutely I can copy you and we will have the SEQRA documents revised.*

*Mr. Russo: I would also like to add comments on the plans, as I stated in my notes to the Board. (a) The principal use must be the office and the storage must be related to the business conducted in the office in order for the storage units to qualify as an accessory use. (b) Someone must be working in the office year-round, and the landlord cannot be the person working in the office unit. (c) The offices must be used for more than simply managing the storage units.*

*Chairperson Escallier: I have added to those notes that I would like on the plans. The Zoning Board of Appeals was very specific in their decision and we need to also include what is allowed, what is not allowed. Notes that I would like added are (d) the non-permitted uses in a B2 zone for this project are manufacturing, altering, fabricating, assembling, finishing, fulfillment center, warehousing, resizing, and re-boxing. Specifically, B2 building sizes cap to 10,000 square feet and the building height shall not exceed 20'. The Zoning Board of Appeals and John Hager, Building Inspector says that we must be very specific otherwise it's going to be very difficult to police it.*

*Mr. Hager: From an enforcement perspective, I agree. There's going to be certain limitations and there's the expectation that those limits will be enforced. My recommendation is that those limits or conditions be prominently displayed on the site plan and not just on resolutions. If the ultimate users of this property end up violating those I want to be able to go to the plan that says this is where you are in violation.*

*Chairperson Escallier: Continuing with the notes, the ZBA delineated to us the permitted uses in a B2 zone for this project (e) plumber, electrician, party rental, fencing, tile, marble, quartz or other trade businesses.*

*Mr. Dowd: I think that we may be able to restrict the storage portion of this building to non-hazardous materials.*

*Chairperson Escallier: Continuing with (f) the storage portion of this building to non-hazardous materials.*

*Mr. Dowd: We can't possibly think of every possible use. When the applicant comes to John Hager, he is going to have to ask what's going in this unit.*

*Discussion broke out regarding notes to be put on the plans.*

*Mr. Dowd: I understand what you Mrs. Chairwoman and I understand what the Building Inspector is saying but what we can't do is over regulate so that we are actually telling them they can't do what's permitted in the zone. Otherwise, we're violating our responsibility to approve what's allowed in the Zoning Code. We don't want that to happen.*

*Mr. Hager: There are some zoning code changes that are being considered. How does this impact this project since his application has started before these changes, does that mean it pre-dates?*

*Chairwoman Escallier: No it doesn't.*

*Mr. Dowd: If the law, as proposed, goes into effect this plan would be changed because the accessory use would be more than 50% of the principal use.*

*Mr. Niemotko: That would impact this project?*

*Mr. Dowd: Absolutely. Your project is in the beginning stages and this law is presently before the Village Board. One of the things that came before the Zoning Board was if it's a customary accessory use what does the word customary mean? Most accessory uses do not take up more square footage than the principal use does. The Village Board is now proposing that the accessory cannot exceed more than 50% of the square footage of the principal use.*

*Chairperson Escallier: Should we request that they come back every two years in order to renew the special permitted use? Should that be noted on the plans?*

*Mr. Dowd: You have the right under the law since it is a special permitted use to put a time limit on it as far as additional reviews, if there's anything changed. That is permissible under the law to do that. If the Board approves a special permit for this particular use, they can put that the permit must be renewed every two, three or four years, whatever the decision is.*

*The Board discussed the renewal time for the permit and decided that they wanted the permit renewed every three years.*

*Chairwoman Escallier: Another note I think should be on the site plan would be that there are no trucks larger than 30' allowed on the site.*

*Mr. Russo: Based on the turning radius now, a 30' box truck would be the largest truck allowable on the site. Depending on how this law impacts that project that may change also. The building changes, the configuration changes at the site, you may be able to get something larger at the site in the future. I don't know if you want to make that determination right now, they may shrink the building for some reason and then you would be able to get a larger vehicle around that site.*

*Chairwoman Escallier: The last thing that I have is (g) "the storage units would not be used as retail space, display areas or showrooms, and that the office units must not be used as additional storage space". Apart from that, the plans and the paperwork associated with it state "new commercial storage building". The ZBA decision states "the use specified in part 4 column 4 number 5 of the regulations show here and after referred to in this decision as an accessory commercial storage use". If it was up to me I would have it say "office space with accessory commercial storage use". I feel that this is a misrepresentation of what was approved by the ZBA, it misinterprets the main use.*

*Mr. Niemotko: We meant no deception. The plans will be revised to state "office space with accessory commercial storage use".*

*Mr. Russo: The rest of it is all technical in nature and we can cover it in the consultant's meeting next week. The only other thing is that when you get further along the Board would like to see architectural renderings.*

*Mr. Niemotko: The building changed three dimensionally quite a bit. We showed the floor plans to delineate the spaces and to confirm the square footage that are needed for the parking. We will do a rendering of the exterior.*

*Chairwoman Escallier: If there is a change in the code, we will let you know immediately.*

**PL GROUP**

**108-1-11**

**AMENDED SITE PLAN & EXTENSION**

**Present:** Allen Peck, Owner

*Mr. Peck: We need more height, the drawing I submitted shows a pitched roof and a 50' height which is within the confines of what we're allowed. In making this affordable, we need that additional height. The floor plans did not change, only the roof pitch. The color of the building and the color of the roof, the floor plans and the use all remain the same. I have a signed site plan; we are looking for an extension and a change in the roof pitch.*

*Mr. Dowd: How high was the building when it was approved?*

*Mr. Peck: It was 42' high. I'm going up 7 1/2'. It's not going to look higher because the roof is pitched. I am replacing sheet #13 of the signed plans.*

**MOTION** was made by Member Klare to accept an amended site plan replacing page 13 of the signed plans regarding the height of the roof.

**SECOND** was made by Member Stanise

**AYE** Member Escallier

**NAY:** -0-

Member Quinones

Member Stanise

Member Klare

Alternate Kelly

**PROPOSED ZONING CODE CHANGES**

*Mr. Dowd: Local Law #6 of 2018 was introduced by the Village Board at a public hearing June 12, 2018 and under the zoning code they are required to solicit your recommendations and suggestions. The Village attorney asked that you consider it tonight because this is the last meeting you will have before the Village Board will consider the local law. If you have any considerable problems with anything in this law as we go through it, we need to know that so we can get that feedback to the Village Board trustees. One of the things we are considering is because we have The Gardens at Harriman Station project there were a series of changes that were generated because our existing law was unclear in many respects and out dated in a lot of other respects. No one could figure where these conditions in a Planned Development came from, we traced it back from 1960's but no one really knew why. It looked like one of those law that the County Planning made for all of the communities in the area and they just adopted these restrictions about how many homes must be in, what kind of home have to be in it, and it was not making much sense for the kind of project, this transit oriented facility that was being proposed here. Looking at other projects then The Gardens but that's what initiated the process of looking at the zoning code. They have amended the Planned Developments, B-1 and B-2 zoning tables, definitions. They are trying to clarify the code in the definition of "story", "half story" and where you measure it from. The average of all corners rule height determination as well. Also in the planned development it's discussed regarding the roadways, alleys, service drives and setbacks.*

*Discussion broke out regarding the local law.*

*Mr. Dowd: I will prepare a statement, and it can be circulated before the next Village Board meeting, so that the Village Board has some input from this Board.*

**MOTION** was made by Member Kelly to close the May 21, 2018 meeting at 10:15pm.

**SECOND** was made by Member Stanise.

**AYE:** Member Escallier  
Member Quinones  
Member Klare  
Member Stanise  
Member Kelly

**NAY:** -0-

Respectfully Submitted: \_\_\_\_\_  
Barbara Singer, Recording Secretary