

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

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

Chairwoman Escallier: there are going to be some changes in the agenda, we are going to allow Harriman Manor, with the presenter, Michael Morgante, to present both Harriman Manor and 85 State Route 17M as Village View is not going to be present. At the end of the meeting, we are going to add a message that I have from the mayor.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: Chairwoman Irma Escallier, Board Members Jim Kelly, Juan Quinones, Ron Klare, John Russo, Engineer, Dominic Cordisco, Attorney and Barbara Singer, Recording Secretary, Stephen Giacco, Building Inspector.

Absent: Board Member Neil Murphy.

MOTION was made by Member Kelly to accept the Planning Board minutes of September 20, 2021.

SECOND was made by Member Klare.

AYE Member Klare
Chairwoman Escallier
Member Kelly
Member Quinones

NAY: -0-

HARRIMAN MANOR
SITE PLAN REVIEW
102-4-10 & 102-4-11

Present: Michael Morgante, Engineer, Arden Consulting Engineers, PLLC

Mr. Morgante: Thanks for re-arranging the agenda, I appreciate it greatly. Last that we were here, there were a couple of milestones that we had to address. One of which was the NYS DOT and the proposed entrance. We did work out an entrance with a conceptual approval from the Department of Transportation. We provided correspondence of that to the Board and its consultants. The Department of Transportation is requesting that we commence the SEQRA process so we can continue to move that review forward. That was one thing that we had to take care of. We also had to take a look at the water supply and sewer disposal. We have now shown it as an extension of the existing water main that is located at the fire hydrant outside of the firehouse. We will cross over Route 17M, run that water main down Route 17M to this particular project. Your consulting engineer also made some suggestions in their comment letter which we take no exception to, we will take care of those as they pertain to the water main extension. The other major item was to take a look at what our sewer disposal methods would be. Just so happens, I was before this Board not too long ago for a project over by Beatty Circle and I creatively thought about the man hole that's over on Beatty Circle, knowing that the pharmacy (Life Science) connected to that and they had a clean out next to their building on the left so right now what we're doing is we're seeking to cross Route 17M with the proposed sewer line and connect with the existing line by the pharmacy that connects with Beatty Circle. We sent an e-mail in September to Orange County Sewer District #1 asking for some feedback and we have not heard back to them, but we continue to follow up with them and make sure that this is something

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that they are amiable towards. So the goal was to have those three items somewhat taken care of so that we could come back before the Board and that you would feel comfortable to consider circulating these documents for Lead Agency. That would be a crucial next step in the process to get all of the outside agencies involved in the review as I progress my plans. That's a synopsis of what we've done since we've been before you.

Mr. Russo: As Mr. Cordisco had pointed out, at the October meeting, the EAF needs to be corrected before it can be circulated. They have shown water and sewer and how they propose to service the site. There are a number of comments that they do need to address but there's sufficient information there to show they are going to provide utilities to the site and how they propose to lay out in the site. I would recommend once they correct the EAF, that you can start to circulate it and start getting input from the other agencies.

Mr. Morgante: On the EAF, we are showing 3.24 as the total acreage to be disturbed and the site is 3.88. Is that too excessive or not enough?

Mr. Russo: I think that I saw more disturbance going on then what was listed.

Mr. Morgante: I took an auto CAD measurement. I can change the EAF to 3.88 for the purpose of circulation, e can always back it down later.

Mr. Cordisco: In addition to sending it to all of the involved agencies, I would also recommend that you send it to the Orange County Department of Planning. They will get a full set of plans later on when they're more fully developed but it would be good to have the Planning Department's initial comments as part of the Lead Agency circulation as well.

Chairwoman Escallier: Barbara (Singer) will you send these out to them?

Ms. Singer: As soon as I get the updated EAF, I will do that.

Chairwoman Escallier: Ok, so at this time do we wait until next month to declare ourselves as Lead Agency?

Mr. Cordisco: With the very minor clerical change to the EAF, if the Board's inclined, you can make your motion to declare Lead Agency subject to the correction of the EAF and that way they would not have to wait another month just to show 3.3 to 3.8.

MOTION was made by Chairwoman Escallier declare the Village of Harriman as Lead Agency subject to the correction of the EAF.

SECOND was made by Member Klare.

AYE Member Klare

NAY: -0-

Chairwoman Escallier

Member Quinones

ABSTAIN: Member Kelly

Mr. Morgante: We'll make the changes and get them back to you tomorrow.

Chairwoman Escallier: Ok, then Barbara (Singer) will send them out to the agencies, and we will wait for the responses to come in while you do your work.

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85 ROUTE 17M
103-5-2
DISCUSSION

Present: Michael Morgante, Engineer, Arden Consulting Engineers, PLLC

Mr. Morgante: This just came across my desk today, essentially and I was asked to represent the project before the Planning Board so I'm doing the best that I could on this short notice. I'm trying to understand what is occurring here. It seems fairly simple in nature, there's an existing chain link fence shown behind the existing building and they're looking to extend that fencing area as I see here in the letter dated December 1st to this Board. They want to store approximately 6-7 roll off containers and at any given time there would be a maximum of 12 containers there. Seems to be for temporary use. That appears to be what is proposed before the Board. I had a slight discussion today with John Russo to see whatever types of issues there are to see its potential.

Mr. Cordisco: The storage of roll-off containers doesn't appear to fit neatly within any of the uses in the B-2 Zone. There has been some discussion as to whether or not it's retail use where people could potentially go to this site to arrange for the delivery of the rental of a roll-off container. There's also been some discussion as to what maintenance and repairs there are going to be done to the roll off containers. The zone is B-2 which allows very specific uses, none of which appear to apply exactly here other than retail which is a very broad category but whether or not this is truly retail I think it needs more information. It may be a good thing to do is to refer this application to the Zoning Board of Appeals for either an interpretation or a variance if it doesn't fit squarely in the retail use. That is something for that Board to consider and I prefer for John (Russo) and others to weigh in as well.

Mr. Russo: As Mr. Cordisco was saying, the question is does this fit within the zone. And the other question is what else are they going to be doing on the site, are they just storing the units there? Are they going to be repairing the? Painting them? Cleaning them out? Are they going to be storing materials in them? There are a lot of questions that need to be answered. Along with the office, will that be open to the public? The condition of the building from what I understand from Steve (Giacco) is in poor condition. I think that there are a number of questions that need to be addressed. I do agree with Dominic (Cordisco) with regards to defining if this is retail or not. I think that you may want to send this applicant to the Zoning Board of Appeals to get their interpretation.

Mr. Giacco: I met with the owners of the property about a month ago after discovering that there were activities at the site. There were activities being done at the site that weren't approved and we had no knowledge of them, so I had a meeting with him to find out what the story was and where we were going to go with this. After spending about an hour with the owners, I think that they have an idea what they want to do but there is so much going on there's some confusion. The existing building on the site is in very poor shape, the roof leaks, there are some structural issues inside, there are waste oil containers that need to be removed, I don't know if they still have any product in them, nothing has spilled but they still need to be removed. The building itself is going to need some major rehabilitation, what they intent to use it for either an office or the concept of using the inside of the building for the repairing of the roll-off containers like painting, fixing, welding, etc. The building really doesn't support that. There are some hazards that have to be mitigated. The fence line does not go behind the building. The only fence there is for the old impound lot. They requested fencing around the perimeter of the property to shield, if this business does go in there, the sight of these containers. Whether trucks will be staged there, I don't know. The property owner said no but that could change. There needs to be significant infrastructural work to do what needs to be done to get this thing off the ground.

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Chairwoman Escallier: When you say considerable, does that mean that it's unlikely that it would happen in the next 6 months? If they concentrate on working on the building to make it viable s the main part that needs to be there for the storage to happen, is that possible?

Mr. Giacco: Yes, it's like any other building that gets rehabbed. If they want to apply for the proper permit and submit the proper architectural plans and bring the building back to be within the code. That is an option.

Member Quinones: I concur with the consultants that we should refer them to the Zoning Board of Appeals. Right now we don't know what the intentions are with the property.

Member Klare: I need more information. I'm not very happy with what's going on there right now.

Member Kelly: I think that a lot of good points have been brought up and one of the things that bother me is what is going to be stored? We've asked this question before. Is it going to left overnight? Are they going to be washed down? Because everything that's washed out is going into the ground. We are strictly well water here, our whole Village is only well water so we've got to be careful in what we do. We've had a couple of wells go down on us within a couple of years. And we just built another well. The idea is that we have to protect the people here and to me, I see these containers and I don't mean to be fighting this but you're always moving things in and out of different areas and nobody knows what's inside.

Applicant: It's mostly construction debris.

Member Kelly: Mostly, but that one part that's not "mostly" could cause us a lot of grief and that area has had history of stuff being dumped there before. Correct me if I'm wrong, John (Russo) isn't there some toxic stuff that was dumped there at one time right across from the pizza shop?

Mr. Russo: That I do not know.

Member Klare: Once many years ago.

Member Kelly: And it was cleaned up. Whether it happens tomorrow or years ago, it's still there. We had a situation where there was toxic waste that was left in the ground. I'm not saying that you're going to do this, but we've got to walk away from this fully comfortable knowing that nothing is going to happen to our well water or the ground. That's my concern. That's one of the main things in this Village is the water.

Mr. Morgante: I concur with you on that. A question for you, the existing use, does anyone know if it's a special permitted use?

Chairwoman Escallier: You gave us a sheet of paper that says under B-2 principal uses #9 "All B-1 uses, either separately or in a combination single or multiple structure, at the discretion of the Planning Board". I underlined "single or multiple structure". So that has to happen before any outside storage is here. The second is "Special permitted use B-2 #7, which is retail sales, and the question lies, as the consultants explained, does this project fall under retail sales or with outdoor display and storage. The example that was previously supplied, "an establishment engaged in selling and renting goods or merchandise to the general public intended for personal and/or household consumption or business use and rendering services incidental to the sale of such goods. A gas station or automobile service station shall not be considered a retail business. And lastly, you gave us an example of something else, outdoor sales lot, area of a commercial parcel, which you are not, used for outdoor display of products or vehicles offered for sale as an accessory use to a sales office located on the same premises. To me

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when I went through all of this, it seemed that the Village of Harriman Code was consistent as far as the multiple structure, the establishment, the retail sales, or the office. It's all consistent to me. First, you have to have a place for your employee to be and then you could have the storage. If you have an issue with a line and you want to put in fencing, that's another issue because then we have to establish where this person is going to be working, what structure, for example, a front yard, and if it's a viable closeness to the storage area. All of these points that I'm making here is that you provided us with, I think yes, you have to go to the Zoning Board of Appeals.

Mr. Cordisco: In addition to all of those comments, which I agree with, in the Industrial zone there's a special permitted use which sounds like it applies to the business that's being proposed which is the outdoor storage of a number of things including equipment but only when screened by a solid wall or fence of uniform color at least 8' in height. In the industrial zone, I think that this would clearly fit within that particular use rather than in the general retail use. But this is not in the industrial zone.

Chairwoman Escallier: The fencing issue is the last thing that we have to address. We have to address (1) the place where the employee will be operating the business and then (2) the storage.

Mr. Russo: I think that everything else will fall in line as far as the things that the Board's has brought up, are the containers going to have material overnight because they weren't able to get to a landfill? Are you going to be doing repairs no those containers? Are they going to be washed out on site? Is there going to be painting? It may turn out to be more than just retail, if it's considered retail.

Mr. Morgante: Are there any prior comment letters for this project that I could get a copy of?

Mr. Russo: They came before this Board earlier this year for discussion. There hasn't been a formal submission, only discussion.

Mr. Cordisco: If the Board would like, I can prepare a referral letter to the Zoning Board of Appeals. It still requires the applicant to make the application to the Zoning Board but it sets the stage and allows the referral to be made.

Chairwoman Escallier: Yes, please if you would do that, thank you.

Discussion regarding the property ensued.

VILLAGE VIEW ESTATES
101-1-1.-31
CONDITIONAL FINAL SUBDIVISION APPROVAL EXTENSION

Chairwoman Escallier: Next is Village View Estates, Larry Adler's project. Mr. Adler sent us a letter telling us what his progress is. He's working on getting his approval from the Department of Environmental Conservation. After that, he's going to apply to have the parcels done. He couldn't be here today, and he needs another 6 month extension.

Mr. Russo: He's had a bit of a hard time with the DEC in regard to the sewer. They're asking for a lot of sewer studies. They've asked their engineer to make sure that all of the lines down towards the plant can actually handle the flows from his project. Basically, from the project site down, they've had to look at. Whether they've completed that study yet, I do not know.

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None of the Board members had any comments at this time.

MOTION was made by Member Kelly extend Village View Estates' conditional final subdivision approval for 6 months.

SECOND was made by Member Klare.

AYE Member Klare
Chairwoman Escallier
Member Kelly
Member Quinones

NAY: -0-

Chairwoman Escallier: The last item is a discussion, it's from the Mayor, outlined by the Mayor. It's a Board member procedure, so it has nothing to do with any project. He's addressing it to myself and Reyna (Sandoval) since we are the Chairs for the Planning and Zoning Board. I'm going to read it verbatim:

In an effort to continue to ensure there will always be a quorum for your Board meetings, I would like to recommend the following procedures be followed and communicated to your respective Board members:

- 1. When a Board member determines they will not be able to attend a regularly scheduled Board meeting, the Board member shall send an email to **both** the Chairperson and the Board Secretary. In addition, a text message must be sent, and/or a phone call must be made, by the Board member to the Board Chair using the Phone Number on the members Contact Sheets.*
- 2. The Board Secretary will send a "reminder" email to each Board's respective Members at least one week prior to the regularly scheduled meeting. Board members should respond to All recipients if they will not be attending so the other Board members are also aware of the reduced Board attendees for the meeting.*

In following these procedures, we will better serve our community, applicants, consultants, and each other.

As always, Thank-you very much for your service and consideration!

Chairwoman Escallier: Does anyone have any questions?

All members responded no.

MOTION was made by Member Klare close the Planning Board meeting of November 15, 2021 at 8:00pm.

SECOND was made by Member Quinones.

AYE Member Klare
Chairwoman Escallier
Member Kelly
Member Quinones

NAY: -0-

Respectfully Submitted: _____
Barbara Singer, Recording Secretary