

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
November 20, 2017

Chairwoman Escallier opened the Village of Harriman Regular Meeting of November 20, 2017 at 7:30pm.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: Chairwoman Irma Escallier, Board Members, Ron Klare, Martin Stanise , Michael Zwarycz, Kevin Dowd, Attorney, John Russo, Engineer, John Hager, Building Inspector and Barbara Singer, Recording Secretary.

Absent: Board Member Juan Quinones

MOTION was made by Member Klare to accept the minutes of October 16, 2017.

SECOND was made by Member Zwarycz

AYE Member Escallier

NAY: -0-

Member Klare

Member Stanise

Member Zwarycz

VILLAGE VIEW

101-1-1.31

CONDITIONAL FINAL APPROVAL

Present: Jay Myrow, Blustein, Shapiro, Rich & Barone, LLP; Ryan Nasher, Atzl, Nasher, Zigler, PC; Peter Torgersen, Wetland Consultant.

Mr. Nasher: This is the same plan that we came in with last time, we addressed the comments which were mostly technical items. The majority of the comments were regarding the water main design; we changed the SWPP, the permit application for SPDES. So what we are looking for is to get the conditional final approval and then we can go forward for the permit from the agencies which are from the DOT. The permit from the Army Corp is in place. We didn't get the permit but we have e-mail correspondence saying that they have received and then the review period expired for 45 days because the disturbance can't be more than one tenth of an acre. It's a nationwide permit. We need to get the permit for the sewer, the Department of Health for water. Addressing the e-mail from Ms. Escallier, question #1 are we proposing any signage for the subdivision. I spoke with my client and usually we don't put signage at the entrance.

Chairwoman Escallier: The other part of that question was the real estate signs; they'll abide by the Town codes?

Mr. Myrow: Absolutely.

Mr. Nasher: The second item is open space.

Chairwoman Escallier: That is not necessary to discuss, Mr. Russo explained this to me.

Mr. Dowd: There will be parkland impact fees.

Mr. Myrow: Understood.

Mr. Nasher: Planting more trees, are you asking that at the point of sale to plant two trees per each lot?

Chairwoman Escallier: What I see on the streets that there is a very big absence of any trees. All of the trees in the developed area, you're taking them out and the roots and this could possibly cause drainage problems in the future. I remember when I built my home here in Orange County; they asked me specifically that at the term of the sale that I had to plant two trees on the property, minimum. With the absence of these trees, how can we get more trees in there?

Mr. Myrow: I don't think there's an issue with clearing the trees that's going to create an erosion problem.

Chairwoman Escallier: After the storm Sandy came, at that time we had all of the trees that are in there now, and yet all of the streets were muddied. We had to have street sweepers clean the mud. Imagine without those trees and those roots what would happen.

Mr. Russo: There's going to be a lot of grass reestablished. So you're going to have vegetation across the area. Although you are taking out 77% of the trees.

Mr. Myrow: Is there anything else required to stabilize that we haven't provided? I think that we've met all of the requirements.

Mr. Russo: You have under DEC regulations.

Chairwoman Escallier: My last question regarding the selection of trees right at the entrance, they're lining the entrance. The trees are coming all the way to the curb, but Monroe won't let you, you have to come in 15' at least. My issue with the selection of the tree is that it is at least 40' high. That endangers the homes if a limb falls in the winter. It's too high, too wide. When I looked at the scale and measured, they're too close together. If it was up to me, I would ask you to plant them behind the homes, but I know I can't ask you to do that. The Town of Monroe says if it's a shrub, it's 2' high; if it's a tree it's 10' high per their regulations, and 15' set back (5741J, in their Code).

Mr. Myrow: When they gave us the curb cut permit, did they specify the landscaping?

Mr. Nasher: I was not in the previous panel when the decision making of the selection of the planting so I spoke with Dave and Dave told me this is what they picked. We print the plan of the picker. And then we go the call of approval. We are looking for any trees.

Discussion ensued regarding the tree selection.

Mr. Myrow: If the Town of Monroe will allow us to reduce the size of the trees, we will absolutely do that. We have to make sure that we comply with their regulations. If we can shrink the trees down to dwarf size, we will as long as it's appropriate screening.

Mr. Russo: Maybe not all of them but a few at the entrance way.

Mr. Nasher: My concern is that we went to the Code, and this has been accepted and we have a permit for the road opening.

Mr. Dowd: The Chairwoman is not questioning the permit at all, she's discussing how that island is going to have a growth on it if it's too close to the intersection it could cause a problem with sight view. There is a provision in our subdivision regulations on shade trees. It says that shade trees shall be provided along the street lines of each lot according to the following regulations and it lists four different things. (1) No tree shall be planted in the street right of way, (2) there should be at least one tree per lot for every 50-70' of lot frontage, depending on the

species of trees. Where a lot fronts on more than one street, the total frontage of all streets shall be used to calculate the total number of required trees. (3) Trees to be planted should be 5' from the street right of way line in the direction of the principal structure, (4) The types of trees to be planted shall be specified by the Planning Board in accordance with the character of the community. All shade trees shall be capable of attaining an ultimate height of at least 25'. This is for the Village section of Harriman; this subdivision is in the Monroe section.

Mr. Russo: I believe what the Chairwoman is referring to internal streets like Road A. There are trees along the road, Red Oak, Scarlet Oak and Pine Oaks. There are a few that are within the sight distance triangles that need to be removed. Two on Lot 18 and two on Lot 27, you just need to shift them.

Member Klare: Do you plan on putting in sidewalks?

Mr. Nasher: Yes.

Mr. Russo: Is the Planning Board in favor of sidewalks? On both sides? It's proposed to have them on both sides.

Mr. Dowd: Most subdivisions that have sidewalks have them on one side, usually on the South side where they get the most sun.

Majority of the Planning Board wants sidewalks on one side only. Along the outside of the subdivision, eliminating the sidewalks around the loop and then both sides on the road coming into the subdivision.

Mr. Myrow: Since there's no through traffic, one side should be enough.

Discussion broke out regarding sidewalks and snow removal.

Member Stanise: How much space is there between the sidewalk and the street?

Mr. Russo: From the face of the curb to the edge of the sidewalk is two feet, so it's 1 1/2'. So you have four agencies that you need to go to, NYS DOT regarding the water main that will be installed along that. I know there was a correspondence from May 1st that still hasn't been fully addressed. If it was we still haven't received whatever the response was. That had to do with storm water and the water main.

Mr. Nasher: They have sent a note stating they have received the testing results with a 15" drop over an hour. When we submit for the road opening permit, we are going to have the site plans with the results in there as well. Is that acceptable?

Mr. Russo: I think you have to submit everything and get it approved before you can get the highway work permit. Typically, you have to get approval from DOT and then you can get the highway work permit. You need to resubmit any information that they were looking for, get their blessing so you are ready for the highway work permit. Army Corp?

Mr. Torgersen: The job was submitted to the Army Corp of Engineers requesting full written approval. I inquired about the status and Brian Orzell, the project engineer answered me that he had changed it to a pre-construction notification and he was going to let the required 45 day review period expire without voicing any objections to the project. Because he did that under the pre-construction notification, the Army Corp grants an approval by right because they don't raise any objections. We don't get any written approvals, it's just granted because they allow the review period to expire. He has approved this project twice in the past. He's been on the site quite a few times; he's familiar with the job. The Army Corp started that program to cut their own paperwork. The project is under 1/10th acre of wetland fill, an amount that every job is allowed. There's a utility line crossing the wetland

that will be returned to original grade. In the Army Corp's eyes this is a minor project. However, I did not get written approval. The 45 days expired sometime in September.

Mr. Russo: Basically the Army Corp is letting it expire; we do have the e-mail from Brian Orzell of Army Corp. So he needs the approval of Orange County Sewer District, NYS DOT, and the Department of Health. In regards of descriptions of all of the easements, the only one that we've seen so far is Kochouos and Kabinoff, the rest still need to be submitted for review. On the map, the easement should state who they are in favor of. The sewer easements would be Orange County Sewer District, not the Village of Harriman.

Mr. Dowd: You will be submitting Mr. Russo the legal description but you'll be giving me the actual easement itself?

Mr. Myrow: I'll draft the easements to include the descriptions and send everything to both you and Mr. Russo for review so we can check the maps. Is that the only easement that's not going to the Village?

Mr. Russo: I think there are two sewer easements. The internal sight distance easements, drainage easements, internal drainage easements, etc. would all go the Village. We also have the maintenance agreement for that section of the road that lies within the Town of Monroe that was being developed between the Town and the Village. Also the drainage districts.

Mr. Myrow: I'll speak with Dave Darwin about that. He asked if we were going to submit it by letter or by petition the section of the Code law that allows the Village to create the improvement district, doesn't specify if it has to be done by petition but it clearly specifies that it can be done, so he told me to submit a letter which basically follows the Town law, doing the map plan and report, but he said to do it by letter and the Village Board would take it up on their own.

Mr. Russo: Next is the water system, one of the things that were noticed in regard to the water main along Route 17M is that it's within 5' of the right of way. There's no way to keep equipment from encroaching on a neighboring parcel when you're installing that or even if it has to be maintained in the future. We are asking that be shifted further away from the right of way line. There were some other minor details, the retaining wall at station 1050, didn't show. The sanitary sewer crossing wasn't shown on the profile, there's an AT&T marker along Route 17M, we want that verified if there's fiber under the ground there.

Mr. Nasher: We're going to the site tomorrow to work on that.

Mr. Russo: There was also a letter that was being drafted up being submitted to the Village of Harriman Department of Public Works in regards to the boring that was going to be done under Route 17M for the water main extension and they were asking to use HDPE pipe in place of ductile iron. The Village Code calls for ductile iron pipe. They are going to bore under the road with a sleeve and then pull a pipe through and what they would prefer to do is use this solid black HDPE pipe, so there would be no joints, fittings or anything underneath the road to prevent leaks. The last time I spoke with John Rothsky, he said that hadn't been submitted yet. That needs to be done asap because that has to be determined by the Village Board and the DPW Supt, John Mulligan since it's in the Village Code.

Mr. Dowd: We can't waive the requirement, it's the Village Code. If the Village Board, upon the advice from its engineers, decide that that's a better alternative, even though the Code doesn't say that, they can always waive that requirement.

Mr. Russo: In regards to the phases, it only shows two phases. The plan doesn't show what phases the lots are being constructed in, or the final storm water pond is being constructed in.

Mr. Nasher: We discussed how we are going to construct these houses. Keep in mind this is residential, not commercial. In Phase 1 we are going to do utility and sedimentation construction, water main, sewer. Phase 2 will be the road and the adjacent grade. Phase 3, in the next year two or three houses may be sold, then we will do the individual lots.

Mr. Russo: When does the main storm water facility get constructed? That wasn't included in a phase. You'll be filing your Notice of Intent with the DEC and you'll be getting a permit from them for your storm water. I understand that each house is going to be constructed, each lot will be developed, but do you know where the applicant wants to start with the housing?

Mr. Nasher: We don't know that.

Mr. Russo: We have to make sure that there's no more than five acres disturbed at any time on this site. Unless you go for a waiver, and that's another question, are you looking for a waiver? If I look at this right now, Phase 1, phase 2, I can say Phase 3 is the rest of it which is over five acres.

Mr. Nasher: We are not disturbing more than five acres at any time. Phase 1, maybe the plan wasn't cross hatched correctly, but it's going to show that it is included in the description so when this has been done, we will go for the roadways, keeping it under five acres. Now the individual lots, which one she is going to build first, we don't know but we could ask her. They say she does 2-3 at a time, build it, stabilize it, and then go for the next one.

Mr. Russo: You may want to include notes on the plan in regards to that. Also note that there will be no more than five acres open at any given time.

Mr. Nasher: The storm water and the sediment basin will be done at Phase 1 and I will make a note.

Mr. Russo: According to the map, the road, utilities along Route 17M, sewer and sediment basins that's all Phase 1. Phase 2 would be the road, storm water piping, and the permanent sediment basin.

Mr. Nasher: The problem, if you look at the Code, what they're recommending for infiltration basin to be built immediately because sediment constantly clogs it up. So we want to do this at the final stages when everything is stabilized. We will put in a note that states first we will determine which house is going to be built first. We will put in a note that describes more clearly.

Chairwoman Escallier: Can you elaborate how long a period is it estimated each phase will be.

Mr. Russo: Once you get the roads in, and they're topped somehow all of this needs to be incorporated in a phase. So we know which phase is being constructed. The whole site has to be phased out.

Mr. Nasher: I can put in a note that describes more clearly.

Mr. Russo: As far as the eight inch sewer main, running from SMHF to SMHF1 goes through the larger sediment basin. It doesn't have the cover, the baffles extend through the sewer main so you're going to cut the sewer main in half.

Mr. Nasher: Good point, we'll take a look at it. With a resolution for conditional final we can move on to the agencies for approval and then we can get our final approval.

Mr. Russo: You can go to the agencies for approval with the preliminary approval. You can go to the Department of Health, Department of Transportation, Orange County Sewer District No1.

Mr. Nasher: I think it was the SEQRA consistency statement report.

Member Stanise: When you were reading the Code before about trees that was along the road on each lot?

Mr. Dowd: That was shade trees and they are on the plans. They have to be outside of the right of way so they would be owned by the owner of the lot.

Discussion broke out regarding trees.

Mr. Nasher: The only time that they can cut down trees is between November 1st and March 31st.

Mr. Russo: They can go in and cut trees; its soil disturbance that's the issue.

Mr. Nasher: They cut the trees leaving 6" stump exposed so the soil is not broken.

Mr. Russo: They have gotten more strict now even with heavy equipment disturbing the soil.

MOTION was made by Member Klare to grant approval of a conditional final subdivision on a twenty-nine lot subdivision subject to the preparation of a final resolution with all of the conditions

SECOND was made by Member Stanise.

AYE: Member Escallier

NAY: -0-

Member Klare

Member Zwarycz

Member Stanise

Mr. Hager: I just want to make mention that the street lighting detail may need to be upgraded to the Village standards. If you could make contact with the DPW Superintendent regarding the new standards. And, are the survey monument locations shown on the plan?

Mr. Russo: Monuments will need to be installed per Village Code requirements.

MOTION was made by Member Klare to close the meeting at 8:30pm.

SECOND was made by Member Stanise.

AYE: Member Escallier

NAY: -0-

Member Klare

Member Zwarycz

Member Stanise

Respectfully Submitted: _____
Barbara Singer, Recording Secretary