

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
October 15, 2018

Chairwoman Escallier opened the Village of Harriman Regular Meeting of October 15, 2018 at 7:30pm.

PLEDGE OF ALLEGIANCE

ROLL CALL:

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

Absent: Board Members Juan Quinones, Michael Zwarycz.

MOTION was made by Member Klare to accept the minutes of September 17, 2018.

SECOND was made by Member Kelly.

AYE Member Escallier

Member Stanise

Member Klare

Member Kelly

NAY: -0-

J SQUARED BUILDERS INC

102-4-6.3

SITE PLAN

Present: Michael Morgante, Engineer, Paul Edwards, Applicant.

Mr. Morgante: This is my first-time meeting with this Board, the applicant, Paul Edwards has presented before to you. We did receive a letter from John Russo, Lanc & Tully, as the board is probably aware we have been going through the Zoning Board of Appeals process for consideration of a two-family home. That application was denied. We have modified the plans in accordance with the August 23, 2017 comment letter. We did receive the comment letter earlier today from Lanc & Tully's office, we tried to make a lot of the changes that were noted in the August 2017 letter, reflecting in the set of plans that are before you now. I think that we need to discuss a few of the major items here. There's a lot of procedural things that I don't think are an issue. Then construction of the road, materials, width, emergency access for fire trucks, these are the discussions we need to have tonight. We will revise the short EAF, we will submit to the Orange County Sewer District when we have a better understanding how the project will move forward. Comment #3 discusses moving a lot line, I am going to join the private road boundaries and the subject lot boundaries, which isn't an issue. We haven't worked with an attorney to develop any of the easement agreements yet. We will put an easement maintenance agreement together for the Beatty Circle private road and it's adjoinment to the subject lot. The width of the road we had, we had widened to a 20' width, we provided a detail as to how that road would be widened. We tried to look up what the specifications would be for a private road, but we did not readily see those in the Village Code, so I looked at it as a minor road. I followed the road requirements of a 20' wide paved section with a 12" base, which we have a 15" base, 3" binder and a 2" top which I think is recommended for that particular road section.

Mr. Russo: I think that's the same for all the roads with the exception of the width

Mr. Morgante: What we're proposing is a 15" gravel subbase on either side, 4' wide, 3" binder, 2" top. The 2" top would go across the whole section.

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
October 15, 2018

Mr. Russo: I think that this was approved on the original plans, from what I can see. Typical section was a 20' wide road with a 40' right of way.

Mr. Morgante: I'm showing the bounds of the road a little over 40'. We have a 20' wide paved section and I think that we're somewhat close on the widening detail if John (Russo) and I could work that out. We're working towards completing that. The next part is the cul-de-sac issue. I prepared a plan based on information given to me from discussion with Mr. Edwards and this Board and its consultants. It was my understanding that there were some existing conditions in some neighboring parcels, retaining walls, plantings, and that's why we were trying to keep the paved width to 20' and essentially not making the diameter of the cul-de-sac that large.

Mr. Russo: What I'm looking at is that you have to have sufficient room for a firetruck to turn around. Before we get to that point, in 1995 the Village attorney had written a correspondence that at that time had instructed the Building Inspector that no further building permits shall be issued until such time as the road is completed to meet Village specifications. Do we have to send this back to the Village attorney?

Mr. Dowd: I think their intent was to meet the subdivision regulations which would be Village specifications potentially by definition, but since the same Village attorney voicing his opinion is still in position, it would be advisable to ask.

Mr. Morgante: In looking at the International Fire Code, things that I've done before, looking at the way that the lots are configured right now, I would like to use the driveways. I took the measurements and it's 60'. So I have by natural creation here, essentially a turnaround. It fits the "y" condition. The portion of the paved asphalt driveway that's associated with Lot 2 is actually within the bounds of the private road that needs to be paved so essentially Mr. Edwards is the owner of that and I think it can work out that way.

Mr. Russo: You have to delineate that to show it. Even showing that I think we're going to have to get an opinion from the Village attorney since he originally issued the opinion in 1995. I would update the plans to show that and it would go to him since it was his letter that said it had to meet Village specifications which means the cul-de-sac would have to be constructed out.

Mr. Morgante: We can update the plans to show that it can be used for emergency access and get an opinion from him. If that also meets the Board's approval? We will look into the utility pole, I don't think there's an easement for that. If not, we'll create one.

Mr. Russo: The sewer manhole and the sewer that comes up the road, is that Orange County Sewer District's? Are they maintaining that? Then you'll need an easement also.

Mr. Morgante: I believe so. I'm going to send an application to them, I don't want to be too premature in sending them anything. The grading of the property, there's a couple of things that I have in mind, I can take Contour 102 and cut it in front of the house and through the driveway which would flatten that area a little bit or can put a little swale back there and route it around the southern side of the house.

Mr. Russo: The building code requires a 6" drop within 10' of the building, to make sure that it's pitched away. On the back side everything's directed towards that house and I want to make sure there's not a problem. Even though you're doing a slab on grade.

Mr. Morgante: Tying into the existing water valve, could we contact the Village to see if there's any flow data? From any nearby hydrants for some pressure information? I believe Lot 2 is the same elevation.

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
October 15, 2018

Mr. Russo: Lot 2 is existing, so I can't say anything on that. John Mulligan, DPW Superintendent, would be able to help with the flow data. Can you mark that because looking at the original subdivision it shows the water main closer to North Main.

Mr. Morgante: There's a bunch of water main valves there so it makes sense to me that it's within a few feet, whether it's on the other side of the valves which may be the case. I noticed that also on the original subdivision map but I don't know what the source of that information was.

Mr. Russo: I think that should be marked out at least.

Mr. Edwards: The water department marked out from the valves.

Mr. Morgante: It's not a problem to add additional erosion control measures, some silt fence where North Main Street is. And we can show a location for the soil stock pile. We need to modify the plan to show the wide turn around, and hopefully get a letter of interpretation from the Village attorney, to help us address issues with emergency access. We will prepare documents for the Board and consultants review in relation to the merger of the private road and the right of way and the subject lot. Would we need to schedule a Public Hearing for this?

Mr. Dowd: I think you need to refine the plans a little further, get the opinion of the attorney before we venture into a Public Hearing. As a precaution I would also file this with the County, as a subdivision and a site plan.

Chairwoman Escallier: The question I have will be answered at the Public Hearing and that's if the people who are living there are on board with signing the maintenance agreement. It's to their benefit.

Mr. Edwards: If they're not, it would upon myself. In past situations where there's a verbal agreement in place, they weren't willing to sign one. I have done this a dozen times and existing people don't want to sign on to a new agreement because they have a verbal one in place and they feel it's fine, it's worked for years and they don't want to be legally bound to anything. That's been my experience,

VILLAGE VIEW ESTATES

101-1-1.31

CONDITIONAL FINAL SUBDIVISION APPROVAL EXTENSION

MOTION was made by Member Klare to grant a six-month Conditional Final Subdivision Approval extension.

SECOND was made by Member Stanise.

AYE Member Escallier

Member Stanise

Member Klare

Member Kelly

NAY: -0-

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
October 15, 2018

HARRIMAN PLAZA REALITY CORP
102-4-9.12
AMENDED SITE PLAN

Present: Liam Byrne, LJB Associates; Scott Berliner, Life Science, applicant

Mr. Berliner: I own the pharmacy within the property and am the principle of the building. We have a sterile compounding laboratory that is part of the pharmacy where we do all kinds of iv vitamins. New regulations from the FDA require that I can't move raw material from one building to another building. That's my main reason for putting the addition on the building so that I have continuous space from the lab to where the storage is. There are other things that I have to do including environmental controls for mold, humidity and climate controls, for controlling the temperature of everything that's in the building and being made in the building. As well as having a completely sterile environment. For me to do that properly and to have the continuous space, the only logical thing to do is to start with a new building attached to the building and I'm going to have a modular clean room that will be built and installed within. That's the nature of the project. We've been there since 2004, I live in Monroe for 30 years, there's a clinic that I run in that same building. It's the only wellness clinic in Orange County. I have two doctors one Nurse Practitioner, I'm trying to maintain that whole environment.

Mr. Russo: In the B-2 zone, where this is located, B-2 allows what is permitted in the B-1 zone to occur within it. Retail is in the B-1 so it's allowed in the B-2 here but even though you're using a use from the B-1 you still have to follow the B-2 bulk requirements. On the plans, what was presented was the B-1 bulk requirements, the B-2 bulk requirements need to be used. So where the front yard and side yards setbacks you wrote not applicable, there are requirements for those. Based upon that, you're going to need a variance for the side yards. Also you calculated 31 spaces required, I know that the front portion of the building is two stories, what is in the second story of the building?

Mr. Berliner: There are seven offices with three tenants occupying the seven offices.

Mr. Russo: On the plans it should list out what all of the uses are and the square footage, whether it's retail, office. That's needed for the calculations of the parking requirements. Based upon what you've provided you're telling me 31 spaces are required, you're proposing a total of 25, you're deficient, so you're going to need a parking variance also. Once the calculations are done using the actual uses within the building it may change. The EAF will need to be updated, there were two things on there that are marked "no" that based upon NYS DEC's mapper are actually "yes". A description of the proposed project should be provided to include the additional parking spaces. You should also note the amount of area that will be physically disturbed. We would like to get the plans in full size and to scale. One the second sheet, showing the addition, the title says "existing" that should say "proposed". Since you're doing site work, proposing additional parking stalls, addition to the building, we would like to see existing topography, and any proposed grading on the plan. Are you proposing any accesses into this building and if so, where? Is the only access to this addition through the existing building?

Mr. Byrne: No, there will be other access into the building.

Mr. Russo: Those should be shown because that may impact your parking also. The rear of the property butts up against a residential neighborhood, I think it would be nice if you could provide some kind of a landscape buffer.

Mr. Berliner: It's there now. There's a tree line. We're not touching that part at all.

VILLAGE OF HARRIMAN PLANNING BOARD MEETING

**Regular Meeting
October 15, 2018**

Mr. Russo: The plans don't show that to me. Basically, what it does show is that you're expanding the parking, pushing it back further towards the property.

Mr. Berliner: There's existing parking there now.

Discussion broke out.

Mr. Russo: The project will need to get referred to Orange County Planning and NYS DOT. Is there any additional lighting proposed on the site?

Mr. Byrne: Yes.

Mr. Berliner: I have already added lighting to the building itself.

Mr. Russo: The lighting should be shown on the plan where you're adding additional lighting. Construction details of the site work, if there's any. On the plan it showed additional parking being constructed, so the construction details would have been needed. Is this building on septic?

Mr. Berliner: Yes, it's in the parking area.

Mr. Russo: I would like to see where the septic field is on this. You can have this delineated and shown on the plans. This new facility that you're putting in, is it going to use any additional water? No additional wastes?

Mr. Berliner: No, part of the plan eventually, I'm going to put in a separate trap to the septic. I'm going to have to redo the parking lot but I'm holding that off until the construction is done. I'll double check.

Mr. Russo: My concern is that you have a septic field and it's designed to handle certain flows. It would be nice to have it on the plans, where it is, what design flows were used, and roughly what you use now. You may be able to get from your water bills, roughly how much water you're using on a monthly basis. We just want to make sure that the septic isn't going to fail. At this point, you need to revise the plans, provide the additional information as far as the uses, the area of those uses, do new calculation for the parking and then you'll need to go to the Zoning Board for side yard and parking variances.

Mr. Dowd: We can refer you for the generic side yard, but we don't know how many parking spaces we are sending him for. I think it will be more efficient if you came back here to us and we can refer you next month so we can recommend the ZBA to consider those variances but also we can be more precise what we're referring you for, especially when it comes to parking numbers. If you get the variances, you come back here, your plans should be pretty much done and we can expedite the process.

Chairwoman Escallier: How many employees do you have currently? Do you expect to have an expansion of employees after? Are there any issues with the parking now?

Mr. Berliner: Fourteen and it will remain the same after the addition. Basically, we're reconfiguring the existing space, using the new space. There aren't any issues with the parking. Our intention with the new site plan is to add extra parking spots. There's room along one of the fence lines now for additional five to six spots.

Member Kelly: The existing shed is being used for storage? And what is the addition is going to be used for? What's the off product of a sterile room? Is there any runoff? Is there a process that sterilizes?

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
October 15, 2018

Mr. Berliner: The shed is for storage; the addition is going to be a sterile room to make medications, iv vitamins. We supply a lot of intravenous vitamin C to most of the cancer doctors that do that in the tri state area. It's a very clean process. We don't make anything toxic, there's no chemo drugs, antibiotics, the only thing that we do in that clean room are vitamins. Most sterilization is achieved through filters, or through heat. We filter, so the only runoff is the detergent that we use to wash the glassware.

DISCUSSION – COMMERCIAL STORAGE

Discussion regarding the Local Law #6, changes to the Village Code, definitions that they would like to add, change and expand on. Local Law #6 is moving forward, other changes the Planning Board is considering must be recommended to the Village Board for a new, future Local Law.

Mr. Dowd: I suggest that Kristen McDonnell from Lanc & Tully's office, John (Russo) and I work on this together, put something together and send it out to you for review and then talk about it again at next month's meeting. Then we can get this to the Village Board as quick as possible.

All members agree.

MOTION was made by Member Klare to close the Planning Board meeting of October 15, 2018 at 9:00pm.

SECOND was made by Member Kelly

AYE Member Escallier

NAY: -0-

Member Stanise

Member Klare

Member Kelly

Respectfully Submitted: _____
Barbara Singer, Recording Secretary