

PLANNING BOARD MEETING
OCTOBER 21, 2019
7:30PM

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES AUGUST 19, 2019 & SEPTEMBER 16, 2019
4. J SQUARED BUILDERS SITE PLAN
BEATTY CIRCLE
102-4-6.5
REVISED SITE PLAN
5. HARRIMAN FAMILY DENTAL
103-1-13.2
SITE PLAN

THE NEXT PLANNING BOARD MEETING IS SCHEDULED FOR
MONDAY NOVEMBER 18, 2019 AT 7:30PM
SUBMISSION DEADLINE FOR THE PLANNING BOARD MEETING IS
MONDAY NOVEMBER 4, 2019

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
October 21, 2019

Chairwoman Escallier opened the Village of Harriman Regular Meeting of October 21, 2019 at 7:30pm.

PLEDGE OF ALLEGIANCE

ROLL CALL:

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

MOTION was made by Member Klare to accept the Planning Board minutes of August 19, 2019.

SECOND was made by Member Kelly.

AYE Member Stanise
Chairwoman Escallier
Member Kelly
Member Klare

NAY: -0-

MOTION was made by Member Klare to accept the Planning Board minutes of September 16, 2019.

SECOND was made by Member Kelly.

AYE Member Klare
Chairwoman Escallier
Member Kelly
ABSTAIN Member Stanise

NAY: -0-

J SQUARED BUILDERS

102-4-6.5

REVISED SITE PLAN

Present: Michael Morgante, Engineer, Arden Consulting Engineers, PLLC; Paul Edwards, J Squared Builders, Applicant.

Mr. Morgante: The last time we were here we had a comment letter from John (Russo) 's office and I believe that we have addressed all of those comments associated with that letter. We have submitted the plans to Orange County Department of Public Works, and we did receive a comment letter back from them regarding minor housekeeping items. Those revisions have been made and resubmitted and we expect to have an approval from them shortly. I think as it stands right now, we're in a position to discuss with the Board if there's the opportunity to preclude the need for a Public Hearing for this project, potentially get some kind of conditional final approval tonight and once the approval is obtained from Orange County Department of Public Works, we could then go with the final plans for signature by the Board and we can complete the project.

Mr. Dowd: I have had some correspondence with their counsel regarding their need for a Public Hearing. This is essentially what we would call a lot line change. However, your Code does not reflect anything about a lot line change, you have minor sub-divisions. So, I went back and forth with the attorney and said I would leave it up to the Board. To the best of my knowledge, and John (Russo) 's, we never really had a straight lot line application. It's always been site plan, sub-division, and the like. Under State law, a sub-division requires a Public Hearing. This is essentially, a re-sub-division to remove a lot line change to make it one, so it could require a Public Hearing. I know that the applicant would like to skip that part of it, their attorney has advocated for it and because we have never done one before, and your Code doesn't really talk about it, I would turn this over to you whether you think this requires a Public Hearing or not. If you feel more comfortable with or without the Public Hearing. My position is basically neutral here, I can see value in both. One is it's removing one lot line and it's a

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very simple proceeding and they've already had a Public Hearing at the Zoning Board of Appeals. The neighbors came out to talk about whether it was a two family versus one family but not necessarily about the road. We already know from the applicant that he's going to take responsibility for the road, the neighbors may or may not chip in for that, but they're not willing to sign an agreement and we have provided for that. I represented that the agreement was satisfactory last month. Many municipalities, including mine, does provide for lot lines and waiving Public Hearings. It's really a matter of what you feel comfortable with, it's really up to you. In one case, the Public Hearing would delay it for another month at least, you could have the Public Hearing next month, give it an approval at next month's meeting, giving the opportunity for the neighbors to come out, they've already had their opportunity with the Zoning Board of Appeals. I would classify this as a re-sub-division.

Member Kelly: We can't do anything because we're waiting to hear from Orange County Sewer District?

Mr. Dowd: You can give a conditional approval, the condition being that they have to satisfy the conditions of Orange County Sewer District #1. They would have to amend the map to satisfy the County to get the stamp of the County and then they can get the signature of the Chairwoman.

Mr., Morgante: There aren't any metes and bounds that are being changed on any of the property lines so being that Mr. Edwards is the owner of the actual right of way for the road and the parcel that we're seeking to build a single-family dwelling on, if he had never come to the Planning Board, he probably could have gone to the County, got a lot line merger form, submitted that to the assessor and combined the tax lots. I have done that many times before with other municipalities.

Mr. Russo: I think what Mike (Morgante) is eluding to, is that they could have done a lot consolidation without even coming here.

Mr. Dowd: He had to come here for other reasons.

Mr. Morgante: Agreed. I think that it meets the definition of removal rather than a change. I don't know if that makes a difference.

Chairwoman Escallier: They haven't yet called it a removal; they still call it a lot line change because it's there and then it's not there.

Mr. Dowd: If I were to classify it legally, it is a re-sub-division. If he didn't have to come back here for other reasons, he would have done it the other way. We've never done this before. If you want to do this in the future, you can always ask the Village Board to amend the sub-division regulations to provide for lot line changes, and they don't require Public Hearings if they're less than two or three lots.

Member Stanise: It has no effect on anybody else.

Chairwoman Escallier: And they already had a Public Hearing with the Zoning Board of Appeals. I'm of the opinion that we should waive it.

Member Kelly: The last few applicants we haven't had a Public Hearing, I don't know what effect this has on the community, it probably has no effect, but I think as a sitting Board member I would like to see some input from the community themselves, if they want input. I attend every Village Board meeting, they always give the opportunity to the public, if they want, to voice their opinions. You could be somebody else who's looking to do

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this and if you set a precedent, that's what you're doing. I know that you don't have to do it, but I think the people have a right to know. In my opinion, I think that we waive Public Hearings a lot.

Member Stanise: It's not going to affect any of the neighbors, they're just taking the line out of the middle.

Mr. Dowd: That would suggest that if you were going to do it in this particular case, that the Village Board be asked to amend the sub-division regulations to provide for a lot line changes that they don't require Public Hearings.

MOTION was made by Member Stanise to waive the Public Hearing.

SECOND was made by Member Klare.

AYE Member Stanise
Chairwoman Escallier
Member Klare

NAY: Member Kelly

MOTION was made by Chairwoman Escallier to declare a SEQR negative declaration.

SECOND was made by Member Klare.

AYE Member Stanise
Chairwoman Escallier
Member Kelly
Member Klare

NAY: -0-

Mr. Dowd: We were just talking about putting a note on the map that you're going to be filing that declaration.

Mr. Morgante: Yes.

MOTION was made by Chairwoman Escallier to grant a conditional final sub-division approval with one of the conditions being that Orange County Sewer District #1 is satisfied and issues a permit.

SECOND was made by Member Klare.

AYE Member Stanise
Chairwoman Escallier
Member Kelly
Member Klare

NAY: -0-

Mr. Hager: I have a suggestion, since the applicant is taking over the roadway, would it be prudent to require it to have monumentations installed on the roadway for future reference? Not necessarily concrete.

Mr. Russo: You could, usually that's done for a public right of way. This is one large parcel which he's giving access to everyone over. It would be to his benefit to have some sort of pins or rods so that you don't have any problems with you neighbors in the future. It's more or less just marking the corners of the property.

Mr. Morgante: We'll take that into consideration, if it's something that the Village is absolutely interested in. I agree with Mr. Russo, I'm not sure because it's a private road and it's all one parcel right now.

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HARRIMAN FAMILY DENTAL
103-1-13.2
SITE PLAN

Present: Gary Musciano, Architect.

Mr. Musciano: Since I was here last time, John (Russo) had some comments, things for us to correct or revise and I've done that. I've brought 10 sets and a flash drive, hoping that everything's satisfied. I would ask for a vote to approve this project.

Mr. Musciano brought copies to the Board members and consultants to view.

Mr. Musciano: John (Russo) asked us to take the word "future" out of the elevator, which we did. Also additional signage was asked for on the clear aisle next to the accessible parking space, which we did also. We had "preliminary" in the title block which we took out of the site plan title. A "No Parking" sign was asked for as required in Chapter 11 on the clear aisle.

Mr. Russo: You still have to move it; you can mount it further back.

Mr. Musciano: Ok, the elevator may enter this way, rather than how it's drawn. That's the whole 680 square feet. All the parking is existing, it's all existing paving, no new impervious. I think that we've added 1 – 2% to the total coverage of the site.

Chairwoman Escallier: There was the comment from the County about the variance. It says "We note that the new construction of the existing building was granted an area variance in 2015. We advise the Village to review this project to determine whether the proposed addition needs a variance as well". I think that it was determined that it doesn't have to be.

Mr. Dowd: Yes.

MOTION was made by Chairwoman Escallier to declare a SEQR negative declaration.

SECOND was made by Member Klare.

AYE Member Stanise
Chairwoman Escallier
Member Kelly
Member Klare

NAY: -0-

MOTION was made by Member Klare to grant a conditional site plan approval.

SECOND was made by Member Stanise.

AYE Member Stanise
Chairwoman Escallier
Member Kelly
Member Klare

NAY: -0-

Chairwoman Escallier: We have a discussion pending with regard to a schedule of fees that we re going to give to Right Choice Builders. He has to provide us with \$60,000 and that's an estimate for inspection fees. They wanted to put up \$30,000 first.

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Mr. Hager: The resolution mentioned that the inspection's escrow account needed to be \$60,000 prior to the Chairwoman signs the approved plans. The applicant asked if they could vary that by submitting \$30,000 and getting the plans signed and providing the other \$30,000 after the plans were signed. It had something to do with their bank needing to see the signed plans before they would release the construction loan. There was some conversation between myself, the attorney and the engineer as to options to specifically handle escrow, where the \$30,000 initial deposit once it gets down to \$10,000 balance, then the applicant can be notified that it needs replenishing and they would replenish it in \$10,000 increments.

Mr. Dowd: This is very common to do and in almost every municipality when it comes to inspection fees, the applicant posts "x" dollars up front and as it diminishes, there's a cap and when it gets to that cap the applicant has to replenish the account again. Sometimes they make them replenish up to the original \$30,000.

Chairwoman Escallier: So, we'll start with \$30,000 and it'll increase in \$10,000 increments until it reaches \$60,000. And he's going to pay them as he needs approvals from John (Russo).

Mr. Dowd: Once John (Russo) realizes that the inspection fee escrow is down to \$10,000, the applicant has to come back and put at least another \$10,000 into the account.

Chairwoman Escallier: That would be an appropriate resolution for this project.

Mr. Dowd: The condition of approval said that the applicant had to put all \$60,000 up front before the map was signed. The applicant is asking, and this is not unusual to ask, that he does the \$30,000 and allows the map to get signed and then as John (Russo)'s firm does the inspections, and that number goes down to \$10,000, the applicant has to put another \$10,000 into the account again and again until ultimately the full \$60,000 is paid, or whatever you need to complete the inspections. If it's more or less than \$60,000.

Chairwoman Escallier: I looked at it and I thought that it shouldn't be just by his word, but that we need it in a resolution to be stated that way before I sign the plans. I don't want the Village to be out the money in any way, shape or form. I know that they're going to pay it, I want to be able to check off that. It's not going to happen that we're going to get stuck with bills, they may not need the \$60,000.

Mr. Dowd: At any time that they don't replenish, the inspection can stop. John (Russo) is not going to work for nothing, and the Village is not going to be out anything.

Chairwoman Escallier: Once the plans have been reviewed by myself, John Russo and John Hager and I've gotten the okay, then I'll sign the plans.

MOTION was made by Member Klare to make revisions to the resolution granting Right Choice Builder site plan approval.

SECOND was made by Member Kelly.

AYE Member Stanise
Chairwoman Escallier
Member Kelly
Member Klare

NAY: -0-

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
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MOTION was made by Member Klare to close the Planning Board meeting of October 21, 2019 at 8pm.

SECOND was made by Member Stanise.

AYE Member Stanise
Chairwoman Escallier
Member Kelly
Member Klare

NAY: -0-

Respectfully Submitted: _____
Barbara Singer, Recording Secretary