

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
September 17, 2018

Chairwoman Escallier opened the Village of Harriman Regular Meeting of September 17, 2018 at 7:30pm.

PLEDGE OF ALLEGIANCE

ROLL CALL:

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

Absent: Board Members Martin Stanise.

MOTION was made by Member Klare to accept the minutes of August 20, 2018.

SECOND was made by Member Quinones

AYE Member Escallier

NAY: -0-

Member Klare

Member Quinones

Member Zwarycz

Member Kelly

RIGHT CHOICE BUILDERS INC

101-2-1.12

REVISED SITE PLAN

Present: David Niemotko, Architect

Mr. Niemotko: We received the comments, looked them over, still of the opinion that tonight the Board can declare themselves Lead Agency so that we can get the other agencies to start to review the project in a formal manner. Those other agencies being Orange County Planning, Orange County Sewer, and NYS DOT. Probably 15-20% of the comments on the here involve their input and comments so it's becoming imperative that we get these plans to them.

Mr. Dowd: Last month we did declare our intent to be Lead Agency, but we didn't distribute because we needed corrected plans. We need three sets of plans so that we can send out as thorough a set as possible.

Chairwoman Escallier: Do we have fees up to date for this project?

Ms. Singer: Yes, everything is current.

Mr. Russo: There are a couple of things, on the traffic study, assuming Maser is updating a traffic study. The biggest thing that we're seeing is the areas still aren't coordinated from one sheet to the next, that needs to be corrected. The other thing that comes into play is the parking requirements that go with that. Is this 42,000 that we spoke about?

Mr. Niemotko: We clarified that on SP2 and SP3. The gross area remains 44,450. The gross area of the top floor is 26,410, the gross area of the bottom floor is 18,040. The gross area hasn't changed at all. Once the Board had asked us to lay out the floors, to show offices versus commercial storage accessory uses. Hallways, foyers, vestibules were introduced and that started to come off the square footage and we got involved with net areas. I

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would like to put that aside. The gross areas have not changed. I have revised plans that can clarify this, but I want to make clear to the Board while the numbers shown here are net, the gross areas, 44,450, has not changed from the beginning.

Mr. Dowd: Has the parking calculations changed?

Mr. Niemotko: We have more parking than we need because of the office area. The areas of the office, are we calculating it with net or gross area? Given that fact that offices separate the commercial office space so those interior/exterior walls, it's going to get very complicated. I'm completely confident that our parking complies with even the most conservative extend. If you want us to delineate what is the office space and what is the commercial storage.

Mr. Russo: The area that you're listing is net and we don't need parking spaces for lobbies and halls.

Mr. Niemotko: We agree, and in my revised plan we show the net area of the office in the parking calculations.

Mr. Russo: Project titles, some of the sheets it says, "New office building with commercial storage accessory use" and others don't have the complete title.

Mr. Niemotko: SP 3,4,5 & 6 where the title block was cut off in the dialogue box. That has been corrected. The floors plans now all reflect what is on SP1 & 2, "New office building with commercial storage accessory use, 194 Route 17M Harriman, NY"

Mr. Russo: They have addressed the grading on the north side of the parking lot but with that you are going to have to raise the manhole and you're going to be grading across the sewer easement and when you go to Orange County Sewer District you're going to have to ensure that they are in agreement with that. You have a grading line that crosses over that we discussed, all grading has to remain on your property unless you get easements.

Mr. Niemotko: That was a line grade error and we have since corrected it.

Mr. Russo: We would like additional signage at the beginning of the project noting the maximum size of the trucks that are going to be in there.

Mr. Niemotko: We have no objection to that; do you want that to be subjected to DOT review on what type of signage they want, or do you want to bring it off the right of way and make it a part of this project in its own design?

Mr. Russo: I think it's going to have to be on the driveway entrance. It should be as close to the entranceway as possible. In regard to the drainage that's going to be relocated, I believe that drainage should be extended beyond the sewer line that's there. You don't want to wash out the material that's over the sewer line, we want to extend that beyond that area.

Mr. Niemotko: We can extend that. The outlet is coming out one foot higher than grade and it's 22' away from the sewer line so we thought with the riprap there the water would disperse. If you want the pipe to extend from 22' to 30' beyond that as long as Orange County Sewer District approves it. As long as we get Orange County Sewer's blessing, we will amend that.

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Mr. Russo: I think that it should, over time we don't want it to wash it out. Also, at the entrance, where you have the water entering the site, you would be taking a tee off the line that's going down in and then you would have an 8 x 6 tee to a hydrant with a valve and then another valve and a cap. So future connection or extension of that line could be done on that side of the road. Right now, you're dead ending at a hydrant with no possible future extension.

Mr. Niemotko: We agree and have revised that already.

Mr. Russo: On the lighting plan, looking at the isometrics and you have a lot of isometrics lines crossing but they're not taking into account one another so even though you have a .5 here and another .5 crossing it, it's going to be a lot brighter than .5 at that given point. With the intensity of these lights crossing, I'm thinking you may be able to eliminate some of these.

Mr. Niemotko: We had a lighting consultant supply us with this information. We had to adjust them for the retaining walls and islands

Mr. Russo: I think they provided you with an isometric detail for the lighting and it just got laid on. What I'm looking at, is when you come down the drive, and you go to the right, you've got three light poles on the right and a significant amount of light coming off the building. Do you really need to get that much light over to the retaining wall into the property line? It's only going to be when it's needed, the operation of the site is 7am to 6pm. I think that's a little intense, some of the lights can be eliminated in certain areas where you don't have parking. I know that you have the shielding for the night sky, but I would like to see some back shielding because some of the intensity is coming from the backside.

Mr. Niemotko: Do you want the house shielding/back shielding or the shielding that goes on the lens of the light that directs the leds?

Mr. Russo: Whichever way you want to do it as long as there's nothing going backward. It should all be going out to your site. Some of the light from these poles are going off the property. It's not intense but given the number of poles and where they are, it's going to look a lot brighter. Just take a look at the back shielding on the lights, maybe reducing some of the lights, I don't know if you need all of the lights that you have.

Mr. Niemotko: Would the building lights on the North and South side of the building be sufficient?

Mr. Russo: I think on the North side, there are two islands with the light poles in them and I think they will be necessary because you do have parking. On the South side, you don't have any parking and you have enough intensity coming off the building. There's one pole on the East side, where is that pole? Below the wall?

Mr. Niemotko: It's below the wall but we may eliminate it and bring the one in the North East corner further South.

Mr. Russo: Landscaping, when we had met we eliminated the retaining wall in the North East corner and we talked about landscaping that out. Now all I'm seeing is grass, there's no shrubs, no trees. And what about along the entrance road between the curb and the road? Along the guiderail? Are you looking to put any shrubs in there? We can't put trees on top of the wall, but we could put some decorative shrubs along the way.

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Mr. Niemotko: In the North East corner, we could introduce evergreen trees, provide a year-round barrier. We had rhododendron specified along there, we could put a few along that area there, they are two to three foot, they would provide a barrier.

Chairwoman Escallier: I would like to see some trees put in there, but there's no room. Only in the North East corner.

Mr. Niemotko: Regarding the trash area, there are areas within the building for the trash containers to be housed. Why bring them outside? Each individual accessory storage space will have its own container.

Member Klare: So there will be no dumpsters, everything will be inside?

Mr. Niemotko: Yes, it will be a container, so the truck can come, remove it, empty it and go. It eliminates the unsightliness.

Mr. Russo: I would recommend notes to be put on the plans to that effect.

Member Quinones: What type of material would this be? If you're going to be putting garbage inside the facility? Don't you have to worry about what type of materials you're going to be putting in those containers?

Mr. Niemotko: There wouldn't be any high hazardous materials, the building isn't classified for that. It's traditional, conventional materials. The same as it would be if it were outside. There's no risk.

Member Klare: Are they all dry goods?

Mr. Russo: What about the office themselves, are they going to take their garbage cans and dump them? What are they doing with lunch debris, food products?

Mr. Niemotko: That's a thought, the garbage would have to be removed twice a week, same as it would be if it were outside.

Mr. Russo: Would it make sense to have one large dumpster outside somewhere? Especially if we can confirm that you have more parking spaces than necessary. How many spaces do you think that you have extra? What capacity dumpster that you're going to need?

Mr. Niemotko: Three extra spaces. If we are limiting it to lunch, I think it would handle the capacity. I would not want to eliminate the capability of having a container inside the commercial storage accessory space. If you want to have one outside for the byproducts of food, that's fine.

Mr. Russo: The question is, if you have any food sitting in a dumpster, it could attract rodents. Then it's going to stink as it sits there, especially in the heat, if it's not all climate controlled. Now you're introducing this odor within the facility.

Mr. Niemotko: Why don't we add it in the North East corner? That's an area that will be accessible to a truck, and we will incorporate the Village of Harriman detail. We can put some trees around it.

Mr. Dowd: Chapter 71 of the Village Code addresses dumpsters, if you want to look at that. You can apply for a waiver from the Village Board otherwise you have to comply with the regulations. This applies to all commercial and industrial properties.

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Chairwoman Escallier: I have three things that I would like to discuss regarding the site plan. First, the illumination, you satisfied the sign requirements in 140-27 but 140-31 is about the illumination. It says that no sign shall have blinking, flashing, or fluttering lights or other illuminating device which has a changing light intensity, brightness or color. You have room on SP10 to add that note that simply your illumination will abide by Village of Harriman Code.

Mr. Niemotko: We will add Note 4 that lighting shall comply with the Village of Harriman's Code.

Chairwoman Escallier: That's fine. Secondly, on SP2, now you're showing us five offices with five corresponding storage spaces, and on the second floor you're providing us with three storage spaces and three office spaces so that's eight and then we have this stand alone proposed storage space which is 6,020 square feet. This can't stand alone because the whole premise is that's it's an accessory to a main use and you're not showing us the main use.

Mr. Niemotko: Our intent was the layout that's shown in the upper right corner for the lower level would repeat itself in the upper level. However, it's not delineated so we will do that. It will look just like what's proposed here.

Chairwoman: So, it's eight offices with eight storage spaces. Or are you going to use that space and make it nine?

Mr. Niemotko: My mistake, that storage space is associated with the one in the left corner. The one in the left corner is accessible by a truck and Unit 1 has its own office space, 1830 square feet. We had to have two storage spaces for that one office because the one to the right is not accessible by truck. So a truck is going to pull into a left Unit 1 and whatever they need to do they will have to go down that hallway and use the Unit to the right. Unit 1 is supported by the office space that's entitled Unit 1.

Discussion broke out trying to resolve the two storage accessory use spaces for the Unit 1 office area.

Mr. Hager: Is the second floor ADA accessible?

Mr. Niemotko: No, we are not providing any element on the upper level that's ADA required. It's not triggering anything in the ADA Code, it's not necessary. The ADA accessible office with its accessory commercial storage space is on the lower level on the East side of the building.

Chairwoman: It seems to me if you put the office spaces in the rear, the loading docks are still accessing the storage and then you can connect the storage space, the one that's in question, with one of those offices.

Mr. Russo: Yes, if he moved the 6,000 square foot storage space and connected it next to Unit 3 storage space and put the three offices over where the 6000 square foot storage is then it would be associated with one of the storage units, the offices would be off on the side, there would still be a corridor running between the two.

Chairwoman Escallier: When he flips that the storage units should be connected together to make it 9000 square feet. In fact, what's he's doing is putting two storage spaces for the one office so that would eliminate that. And would associate the one storage with the one office.

Mr. Niemotko: That's fine. The only thing is the corridor that's on center with the entrance, that won't be any more. It would have to move to the right. We will move the offices to the East side of the building, what's noted now as Unit 1,2 & 3 office space can become storage space associated with Unit 3 and we'll adjust the corridor accordingly.

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Chairwoman Escallier: lastly, you have to address where the utilities are going to be, the heating and cooling units. Where on the site plan?

Mr. Niemotko: They are going to be within the building. Traditionally, mechanical systems are part of the architectural plans are supplied with the building permit process.

Mr. Russo: Is there going to be anything on the roof?

Mr. Niemotko: There won't be any units on the roof. The roof is sloped. We haven't started the design process, I'm just guessing, the commercial storage spaces will probably be heated with unit heaters which is conventional within the industry. The office spaces we'll have to accommodate with heating and cooling, they might be split system units. There might be an interior mechanical closet that will house the air handler and condenser. Our intent is not to put anything on the roof.

Mr. Russo: How big are these mechanical rooms? Because what's happening you're reducing your office area or commercial space area?

Mr. Niemotko: We haven't designed these mechanical rooms yet.

Mr. Dowd: Are each of the eight suites going to have their own air conditioning unit? Heat? Water?

Mr. Niemotko: Yes, each will be separate.

Member Kelly: What size trucks are going to be going in and out? And how many trucks per day?

Mr. Niemotko: Thirty-foot trucks and I don't know how many there will be. The report that you're looking at is from Maser, the traffic engineer. They have to base their report on information that's used in the industry. So they base their traffic report and information according to guidelines. We meet those guidelines by far.

Member Kelly: My concern is on Route 17M, just getting out of there is horrendous. I'm just curious, are they going to make the turn by coming into the other lane? That seems to be me like it's a big problem only because there's more than a few trucks coming in. you have eight bays. Even if there's only one truck a day, that's sixteen trucks. From a safety standpoint, that's why I asked the size of the trucks because coming out of there you are going to cross over the lanes and that is a busy road, Route 17M. My estimate is 40-50 trucks per day coming in or out onto Route 17M. That seems like a lot of traffic going onto that one little narrow road.

Mr. Niemotko: They base their report on design standards that's within the industry. That doesn't mean we're going to have that amount of traffic. We are glad to be at the point that we can get this to DOT for review and for them to give us their comments.

Mr. Russo: All of the trips listed there, it's not just trucks. It's trucks and passenger cars. People working in the offices.

Member Kelly: Even though, that's a lot of traffic. It seems like a safety issue.

Chairwoman Escallier: I agree. I see all of the congestion, not just on the lot but also spilling over. John Hager has notes that he's prepared, let's review them now.

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Mr. Hager: The reason for the suggested notes come partially from discussion at the Zoning Board level which I was present for. I had made the suggestion that whatever is decided here is very clearly indicated on the site plan so that if activities start to become evident that was not what was discussed, the site plan can be shown to be occupants and can easily be explained why they're not in compliance. This is what I've come up with, if the board has anything to add, let me know. This is the set of notes that I feel should be shown on the site plan prominently.

Occupancy and use of rental units shall be subject to the following conditions of Site-Plan and Special Use Permit approval:

- 1. Each tenant's primary use shall be the conducting of business in the office areas. Storage activities shall only be secondary and accessory to the business office occupancy. Examples of business activity shall include marketing, payroll, purchasing, invoicing, accounting, estimating, phone sales, etc. Utilization of office areas for simply managing the associated storage activities shall not constitute conducting of business as a primary use.
All members agree.*
- 2. Office areas shall be occupied year-round and utilized by the tenants for conducting of their business. A lack of occupancy of office area shall render associated storage area "unlawful" due to no longer being an accessory use.
All members agree.*
- 3. Each office area shall be rented only with a corresponding storage area. No tenant space shall be rented solely as office space, or solely as storage space. Each storage area shall be rented only with a corresponding office area. Any tenant renting multiple units shall also rent the corresponding accessory storage area(s).
All members agree.*
- 4. No office areas or storage areas shall be sub-let or otherwise offered to occupants besides the main tenant(s).
All members agree.*
- 5. Office areas shall not be utilized for storage or overflow storage purposes. Un-used office space shall not be used for storage or overflow storage purposes.
All members agree.*
- 6. Storage areas shall not be utilized for office business use, except that an area not exceeding 10% of the gross floor area of the storage space may be used strictly for management of the same storage area.
All members agree.*
- 7. Storage areas shall not be utilized as shop space for manufacturing, altering, fabricating, assembling, treatment, finishing, processing or packaging.
All members agree.*

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8. *Storage areas shall not be utilized for retail, display areas, showrooms or any type of personal service establishments.*

All members agree.

9. *Tenants shall be restricted from operating a “fulfillment center” as such use shall be considered to include processing and has been specifically restricted by the ZBA’s interpretation.*

All members agree.

10. *All storage areas shall be subject to ICC/NYS Uniform Code regulations regarding maximum quantities of hazardous materials allowable and all other applicable regulations regarding storage and building safety.*

All members agree.

ALSO: Plans must include signage posting entrance from 17M “No Parking” both sides and signage posting entrance from 17M “No Trucks Over 30’ Length”

All members agree.

Mr. Niemotko: We’ll put these notes on the plans and have three new sets brought back here.

Chairwoman Escallier: So, we’ll get these revised plans set out to the three agencies?

Ms. Singer: Yes.

Member Kelly: You must have a very unique tenant; what type of tenant are you looking at?

Mr. Niemotko: I don’t have any clear tenants in mind. Just as we discussed with the Zoning Board, examples were given of party retail companies. They store their equipment, rent them, go to a site, set up a tent, later they bring it back and put it in. At the Zoning Board we talked about electrical contractors or plumbing contractors storing their equipment, pipes or things like that and using the office to conduct business. Those were the types of entities that we discussed at the Zoning Board that seemed to be agreeable.

Member Kelly: John (Hager) it says having the office maintained year round. When you say maintained, if they are there for only two hours, that’s maintaining the office, correct? You’re not talking about an eight-hour day?

Mr. Hager: #2 states, “Office areas shall be occupied year-round and utilized by the tenants for conducting of their business. A lack of occupancy of office area shall render associated storage area “unlawful” due to no longer being an accessory use.” My recollection is that this came up at the ZBA level, there was discussion on if this was a seasonal-type business and the office become vacated for a portion of the year, since the storage is supposed to accessory to the office, that would not be a permitted use anymore. Now you’re primarily storage.

Member Kelly: Could a tenant say, “We’re going to be in the office for one hour per day”? Or one day per week. I’m confused on the rule, what do we consider a full-time office, you work for eight hours a day? The office is part of the business, the person could be working downstairs and still running the office upstairs.

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Mr. Hager: It's all subject to interpretation. There's no possible way that you can cover every possible scenario. That ties into what was briefly discussed, but not in detail yet, is being a special permitted use, the Planning Board has the ability to revisit this periodically for renewal. It could reported to this Board that upon that renewal whether compliance has been achieved or if there have been scenarios that have come up, then the Board would hesitate to renew it.

Chairwoman Escallier: If the Inspector goes out and he sees there is no one in the office, yet they're using the storage area and they're taking boxes in and out, then that's unlawful.

Member Kelly: That's what I see as interpretation. The person could run the office one day per week and that's considered using the office year-round. It's a little confusing and the applicant is adhering to it, you're saying that you're fine with it, and it's all up to interpretation.

Mr. Niemotko: Yes, but if you had come to my office today, we were all out. Does that mean that we're not occupying the office? I was in a meeting, one measuring a job, another with a client. There has to be sustained pattern of an office not being used, it can't be a sporadic visit that happens to see no one there. To identify and outline hours that the office needs to be occupied would not be consistent with any code.

Chairwoman Escallier: A certificate of occupancy is not going to be issued by the Building Inspector until he's satisfied that they're meeting the requirements. So you're going to put those two storage areas together so we have eight offices and eight storage areas.

Mr. Niemotko: Absolutely.

Mr. Russo: John (Hager) how do you issue the certificate of occupancy? On the entire building?

Mr. Hager: I think I would handle it as the building permit would cover the whole building but the certificate of occupancy for each tenant space. That way if you had to revoke a certificate of occupancy, you're not revoking the entire building.

Mr. Niemotko: The necessary copies of the latest plans will be delivered to the Village Hall for distribution to the involved agencies.

Member Quinones left the meeting at 8:30pm.

PROPOSED ZONING CODE CHANGES – COMMERCIAL STORAGE

Present: Howard Geneslaw, Attorney; Neil Gold, applicant, The Gardens at Harriman Station.

Chairwoman Escallier: In regard to the commercial storage, we need to define two things, e-commerce and fulfillment center. I have a definition of fulfillment center, "the process of receiving, processing, repackaging and shipping orders of goods". That's fine and e-commerce or electronic commerce, has a different definition "the buying and selling of goods and services or the transmitting of funds or data over an electronic network,

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primarily the internet. These business transactions occur either as business to business or business to consumer, consumer to consumer, or consumer to business.” If we add those two to our Code, where it had in B-2 the table, where it starts “light processing”, add those uses in and limit them to 10,000 square feet. That’s one of my proposals.

Mr. Dowd: Not to interrupt you or change the course, but the attorney and applicant from The Gardens at Harriman Station are here. It’s my understanding that the Village Board ended the Public Hearing and has set a new Public Hearing for next month. They have sent the revised Local Law to you for last minute comments and recommendations. Most of these gentleman’s comments were taken into effect but there were a couple that they wanted to talk about, so they could get you on board and recommend those changes to the Village Board. As far as the commercial storage and a lot of the things with accessory structures and their uses, it’s my understanding that the Board was going to cut some of that out of the Local Law this time and revisit in another Local Law other code changes and I think that’s where your e-commerce and fulfillment centers would come in. Unless someone has a different understanding, that’s what I was told what they need for us to do tonight is to go over the Local Law and try to solve that. The more definitions that you put and defining uses is a good thing, I think that we can all agree to that. I think the changes of getting rid of the words “commercial storage” and putting in “private” versus “public” are good changes, it better defines it, and that’s in the Local Law still. I think that because we can’t agree among ourselves, we have our own issues with how we define these issues, that the Village Board doesn’t want to hold up the Local Law anymore, there’s a lot of it that involves The Gardens at Harriman Station. Maybe we can start by asking Howard what his concerns are?

Mr. Geneslaw: Actually, I have virtually no concerns tonight. The version that is now in front of the Village Board which was referred back to you, now reflects everything that we had talked about at the last meeting. There were some items that were under changes version but not in the local law, all of that has now been cleaned up thanks to Kristen McDonald’s (Lanc & Tully, PC) efforts and now it’s a much cleaner document. The only thing that’s not fully resolve at this point, there’s an issue concerning the pavement width, page 6, it ties into the fire code and we’ve had some prior discussions with John Hager and others. The only issue that’s unresolved is whether the 26’ is optional or mandatory and to what extent it needs to be applied, only in the vicinity of fire hydrants, and that’s a technical issue that I think can be worked out among us. I was hoping that it would be resolved by tonight, but I don’t think it needs to be for this Board to make its recommendation to the Village Board. If it’s mandatory and it applies, then the 26’ will be the number and if it’s not mandatory then we can work with the consultants and figure out the appropriate number. Other than that, everything in the latest version is consistent with everything that we talked at the prior meetings. It’s picked up everything that was omitted, we’re very pleased with this document and we asked that the Village board refer back to you, even though I think they were going to do anyway, simply to be belts suspenders because there have been so many changes we could get a clean report and recommendation back from the Planning Board that is supportive and also addresses the items that were mentioned before from your code that talked about certain findings that were supposed to be made as far as the full recommendation process.

Mr. Dowd: Are there any comments, questions or concerns that the Board has that we want to make to the Village Board? I would note that while they were talking about taking out some of these issues with the storage spaces, they left the definitions in, the non-nuisance industry definition is in. On page 3, accessory building structures or use, this was a previous change that was in a prior draft and it’s still in here and that talks about the 50% rule, “Accessory buildings, structures and uses shall be less than 50% of the total square footage of the principal building, structure or use to which it is accessory.” We have had a lot of discussion about this, what that means, and how you measure it. I had suggested that we remove this and put in a restriction in the tables as to how big an accessory structure could be.

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Chairwoman Escallier: That was one of my suggestions that it be less than 20,000 if it was going to be 50%, bringing the accessory use down to less than 10,000 square feet, which is exactly what's in the code now. So everything would comply.

Mr. Russo: What Kevin's suggesting is that this be removed from this local law and the next local law we can work it in there.

Mr. Dowd: There's no differentiation between residential and commercial accessory and that was a big issue. I would suggest, if the Board agrees, we leave the definition of "accessory building" alone for now and then we definitely need to address this issue soon because we know that we have not just this last application but also the new one that was introduced at the last meeting.

Chairwoman Escallier: That has changed, it's now becoming retail.

Mr. Hager: I have a suggestion regarding the 26' of roadway width. I think it may be wise to refer to the State Fire Code. The codes could change and this way we don't have to keep updating our Code every time the State Fire Code changes.

Mr. Russo: So what you're saying is the Code should say "roadways should be in accordance with NYS/ICC Fire Code".

Mr. Hager: There's a whole section in the Fire Code about roadway widths with apparatus. Rather than trying to carry it in our local code, why not just refer to the state fire code. This gives the enforcers the power to refer to the code.

Mr. Geneslaw: How about saying in accordance with the requirements of the fire code, simply because we have this issue of whether it's optional or not optional. If it's required by the fire code than that's what applies. There's Appendix D which has some language that says the provisions are not mandatory unless specifically referenced in the adopted ordinance.

Mr. Russo: And they were adopted.

Mr. Geneslaw: I also saw some more language that referenced another section, a supplement. I believe that that document had an earlier date than this document. I don't really know which is the controlling document so if you're going to put some language in that refers back to the Fire Code, to not necessarily apply the requirement if it turns out to be an optional requirement.

Mr. Russo: It's not optional. The Code will have to be enforced as required.

Mr. Hager: What you don't want is for someone to read the Village of Harriman's Code and think that this is going to allow me a 22' wide road when in effect you're going to need 26' where the hydrants are.

All members agree that the Village of Harriman's Code should reference the NYS/ICC Fire Code without any specific road widths referenced as they could change, making Harriman's Code in need of updating.

Mr. Dowd: A draft letter to the Village Board will be prepared for Chairwoman Escallier's signature.

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MOTION was made by Member Klare to close the Planning Board meeting of September 17, 2018 at 9:00pm.

SECOND was made by Member Kelly

AYE Member Escallier

NAY: -0-

Member Klare

Member Quinones

Member Zwarycz

Member Kelly

Respectfully Submitted: _____
Barbara Singer, Recording Secretary