Village of Harriman
1 Church Street, Harriman, New York 10926
(845) 783-4421

PLANNING BOARD MEETING
MARCH 17, 2025
7:30PM

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. ACCEPTANCE OF MINUTES – JANUARY 27, 2025
4. 101—2-1.2, 192 ROUTE 17M – MINOR SUBDIVISION
5. 101-2-1.12, 200 ROUTE 17M – FIELD CHANGES TO FINAL SITE PLAN

THE NEXT PLANNING BOARD MEETING IS SCHEDULED FOR MONDAY APRIL 21, 2025

PAPERWORK SUBMISSION DEADLINE FOR THE PLANNING BOARD MEETING IS 12:00PM ON FRIDAY APRIL 7, 2025

PBM

VILLAGE OF HARRIMAN
COUNTY: COUNTY OF ORANGE
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Planning Board Meeting
March 17, 2025

PLANNING BOARD MEETING
PLANNING BOARD HELD, MARCH 17, 2025

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PLANNING BOARD MEETING
MARCH 17, 2025
7:29 p.m.

P L A N N I N G

B O A R D M E E T I N G

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A P P E A R A N C E S:

IRMA ESCALLIER	CHAIRWOMAN
RON KLARE	BOARD MEMBER
JEANNETTE CELENTANO	BOARD MEMBER
NEIL MURPHY	BOARD MEMBER

Planning Board Meeting
March 17, 2025

ALSO PRESENT: Dominic Cordisco, Attorney for the Village of Harriman, John Russo, Planning Engineer for the Village of Harriman, Maria Hunter, Planning Board Secretary, for the Village of Harriman. Aaron Warner, Esq. And Dan RIchmond, Esq., Attorneys from Zarin and Steinmetz, John Loch, from AFR Engineering and Land Surveyor.

THE CHAIRWOMAN: If you're ready.

Welcome to the Planning Board Meeting of March 17th of 2025. We're going to begin with the Pledge of Allegiance, so please stand.

(Whereupon, the Pledge of Allegiance was recited by all present, as of this date.)

THE CHAIRWOMAN: Let's start with you, Maria.

MS. HUNTER: Maria Hunter, Secretary.

MR. CORDISCO: Dominic Cordisco, Planning Board Attorney.

MR. RUSSO: John Russo, Planning Board Engineer.

THE CHAIRWOMAN: Irma Escallier, Planning Board Chairwoman.

MR. KLARE: Ron Klare.

MS. CELENTANO: Jeannette Celentano.

MR. MURPHY: Neil Murphy.

THE CHAIRWOMAN: Regarding the minutes, we accept the minutes from

January the 27th, 2025. Have you read the minutes? And are you prepared to say, yea or nay?

MR. KLARE: I make a motion to accept.

MS. HUNTER: Was that Ron, that made the motion?

MR. MURPHY: Yes --

MR. RUSSO: -- Yes.

MS. HUNTER: Because Stephanie, needs to know.

MR. MURPHY: Ron made the motion, yes.

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MS. CELENTANO: I seconded it.

MS. HUNTER: Jeannette, you seconded it?

MS. CELENTANO: Yes.

THE CHAIRWOMAN: And we'll start to my -- who's -- we'll start with you Neil. We'll do one at a time, so we get all the approvals.

MR. MURPHY: I approve.

MS. CELENTANO: I approve.

MR. KLARE: I approve.

THE CHAIRWOMAN: And I approve. Thank you.

So, now, we're going to the minor sub -- the minor subdivision, yes, minor first. And this is a section lot block and I'll scroll down, 101-2-1.2, Section Lot 1. 192 of 17M.

And, who do we have before us?

MR. WARNER: Aaron Warner, Attorney from Zarin and Steinmetz, along with my partner, Dan Richmond. And colleague John Loch, from AFR Engineering and Professional Land Surveying.

THE CHAIRWOMAN: Would you like to give us your -- (Inaudible)

MR. WARNER: Yes. So, we represent the Applicant, MYL Investors, in connection with an office and accessory storage space project. Located at 200 Route 17M, in the Village's B2 Zoning District.

The project is fully constructed, however, pursuant to review and permit extensions by the village building

inspector. However, due to minimal height discrepancies and misunderstanding as to what constitutes as a mezzanine level versus a third-story, required the project to seek a building height variance. Which was granted early last month, from the ZBA.

We also sought a variance for a third-story and parking. But those variances are currently being held in abeyance at the ZBA. As before your Board, while we seek additional parking through minor subdivision. And to incorporate field changes and to seek site plan amendment from your Board.

So, first, regarding the minor subdivision of parking, my Colleague, John Loch, will discuss the application.

MR. LOCH: Okay. Good evening. We have two existing parcels. In the end, all we're going to have is two existing parcels. What we're proposing to do is, take the rear portion of 192 Route 17M. Which I'm pointing too, on the map.

(Indicating) And put a dividing line, roughly, cutting the parcel in half. And that half will be merged to the larger site of 200 Route 17M. And eventually, we would be going through as next step, developing parking and things on that portion of the property. On the various accessories needed which is, lightning, landscaping, all the construction details such as greenery.

Over all, what we end up with, except for the issues that we're currently trying to address on 200, everything is fully compliant; with respect to the zoning setbacks, minimum lot sizes.

We anticipate no changes to anything on 192. The area in the back actually, was the subject of a hearing before this Board a number of years ago; it was a big hole. And since we had excess fill on this site, we got a fill permit, filled that and graded it out. So, now, it's a useable piece of land.

I will note that there are -- a --

some issues that's been raised by your Engineer. And I have received his review letter. Whenever you want, I'd be happy to address those in a point-by-point basis.

THE CHAIRWOMAN: Okay. So, let's let John, go over the review.

MR. RUSSO: With regards to the minor subdivision, we had several comments. First, being the bulk table, in the top right corner. Should reflect the heights of the buildings on each of the parcels.

Both tables should state, noncompliant items as existing. In the minimum lot with Lot 2, minimum side yard of Lot 1, maximum building height of Lot 2.

The plan shall be updated to reflect any variances that may have been previously issued for -- by the parcel. And as the Applicant's Attorneys previously stated, the variance was issued for the height. That should appear.

The subdivision plan shall meet the requirements of section A146-10 and A146-11.

You want to jump in on this, John?

MR. LOCH: Yeah, let me jump in on that. Actually, let me just briefly go through them and I'll catch up while I'm here.

On the bulk table, we have no problem updating that. We really just left the height off because we're still dealing with issues with the ZBA when we prepared this. We will note the conditions on the various items.

With respect to variances that may have been previously issued, we have disclosed the height variance for 200. I have made an inquiry as to whether there's been anything from 192.

And I believe, it's going to come back with there is nothing that we know of. Your Clerk has been checking the records for me on that, pursuant to the inquiry.

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Okay. With respect to the requirements to the subdivision plan, they are rather extensive. But there're really designed for subdivisions, so there're not of this nature. As an example, it has a lot of information it asks for, that would be more in line with doing the residential subdivision.

You're going to have a lot of lots, you're going to have public streets dedicated to your creating public facilities.

And it also is taking the assumption that, that's the final act that you're getting an approval that allows construction. That's not the case here. We will be seeking site plan approval for anything that's going to be built.

The subdivision that we're doing is purely for the purpose of transferring a piece of land.

So, where we have a lot of things that are not applicable or things that will be addressed in much more detail when

we do the site plan. We have asked if those could be waived.

I did send in a letter that specifically sites the sections that we would be seeking to have waived. And it includes as an example, not only certain mapping information, it's not really needed. But things like, developing a SWIP. There's no need for us to do the SWIP.

We do, however, recognize when we're here for the site plan, which is a whole -- another application, we will be preparing the SWIP. So, we respectfully, ask if you review our request for waiving some of these items now.

MR. CORDISCO: So, as Mr. Loch said, they are looking for some waivers. Under A146-24, the Planning Board can waive some of the requirements.

With regard to the preliminary plot, we're looking to waive requirements for B10, B12, through B21 and then B23.

With regards to the final plot, it

will be waived B15 through B21, B22 and B23.

A lot of the information requested by the code with regard to these different items -- um -- really apply to a larger residential subdivision. They talk about road right a-ways, easements being provided to the municipality and some other information. That's not pertinent to this. And they wouldn't be able to provide on the plot.

So, I would recommend the Board consider in waiving these requirements.

Um -- going back to my comments, as the storm draining easements on the plan are existing and not proposed. The word proposed should be removed from them. And the westerly drain easement, shall also note that it is to benefit Lot 1.11, Lot 2, Section 101.

Corrected wording for the existing retaining wall easement would benefit, Lot 1.12, Lot 2, Section 101. And the reference to Lot 2. The reference to

Lot 2, is incorrect.

We also have a correction that is needed for the existing easement for the backing facilities. That should -- that easement is to benefit Lot 1.11, Lot 2, Section 101.

Um -- add the following wording to the five foot wide drainage easement, to benefit Lot 1.2, Lot 2, Section 102. And then, the subdivision plan should be signed by the licensed engineer or land surveyor.

MR. RUSSO: You want to go through the rest of those, John?

MR. LOCH: Yeah, I'll go through it briefly.

The storm drainage easements, we did have them noted. Some were proposed and things because we were in the process of filing new deeds. There were some corrections to be made. Those have been taken care of and we'll get the proper references and things on the map, with respect to that.

Where we indicated a proposed storm drainage easement, on the very easterly side here. (Indicating) We have existing facilities there, we had a maintenance agreement for an allowance for that facility. Related to the fill permit.

Since we anticipated this is going to be transferred to this parcel, the need for an easement is going to disappear. So, assuming that this subdivision goes through, we'll actually take that completely off the map.

Um -- with respect to the back cube and the retaining wall easements, I think there was a slight misunderstanding to the references of Lots 1 and 2. We provided an additional reference to the original file map that created these two parcels. And those are Lots 1 and 2, of those.

MR. RUSSO: Okay. What we're looking at, Lot 1 and 2, based upon your drawing down below.

MR. LOCH: Right. Yeah and I guess you didn't realize there was another

reference to it here. (Indicating) What I will do is, I will expand the adaptation to clearly indicate it's Lot 1 and 2 and reference the actual file map.

MR. RUSSO: That would work.

MR. LOCH: And a -- signed by a surveyor and engineer is not the problem, I'm both. So, I'm able to take care of that.

(Whereupon, a discussion was held off the record.)

(Back on the record.)

THE CHAIRWOMAN: Do you, do the -- (Inaudible) have any questions for the Applicant?

MR. CORDISCO: I do not.

THE CHAIRWOMAN: Neil?

MR. MURPHY: No, I have no questions.

MS. CELENTANO: No.

MR. KLARE: No.

THE CHAIRWOMAN: So, I need a motion to make -- to make Harriman, the lead agency for this project.

MR. KLARE: I'll make that motion.

MS. HUNTER: Was that Ron?

THE CHAIRWOMAN: Yes.

MR. MURPHY: Ron, yes.

MR. CORDISCO: All in favor?

THE CHAIRWOMAN: Neil, says?

MR. MURPHY: In favor.

THE CHAIRWOMAN: I need a second.

MR. MURPHY: Okay, second.

THE CHAIRWOMAN: Neil, said, second.

MS. HUNTER: Okay.

MR. MURPHY: I approved.

MS. CELENTANO: I approve.

MR. KLARE: I approve.

THE CHAIRWOMAN: Aye.

MR. CORDISCO: Yes.

THE CHAIRWOMAN: So, now I'm going to need to go and prepare for a public hearing for next month. So, we need another motion and a second.

MR. KLARE: I make the motion.

MS. CELENTANO: I second.

THE CHAIRWOMAN: So, Ron is making

the motion and Jeannette is seconding the motion.

MR. MURPHY: In favor, I approve.

MS. CELENTANO: I approved.

MR. KLARE: I approve.

MR. RICHMOND: We were just considering on our side to have a public hearing in May. I mean we want to continue the meeting in April.

THE CHAIRWOMAN: We'll get the acceptance now from me, it's okay.

MR. RICHMOND: If I could just explain the rational. Because I guess, from our view, the subdivision of the site plan could be tracked simultaneously, we're proceeding simultaneously.

MR. LOCH: We don't see it as likely, that we're going to be able to get -- if there's going to be a public hearing on the site plan, I think, that's gonna necessarily be something you will be comfortable scheduling for next month.

MR. CORDISCO: If I may, I think the Board has authorized the Public

Hearing, why don't we complete the presentation on this. And then, go over the presentation regarding that site plan as well.

MR. LOCH: Certainly.

MR. CORDISCO: And then, the Board could do, when they're ready, on the site plan, could authorize that the Public Hearing be held simultaneously. I agree that it would make sense to have one Public Hearing.

MR. RICHMOND: Does the Board need to circulate the intent of the ZBA's -- (Inaudible)

MR. CORDISCO: Well, they are declaring their intent for the agency.

MR. RICHMOND: Okay.

MR. LOCH: This is also going to require a GML. So, we are looking at the 30 days.

MR. CORDISCO: Yeah, Maria, mentioned that as well.

MR. RUSSO: This would also need to get referred to DOT. Given the distance

of a state highway, regardless, you're still to submit to them -- (Inaudible)

THE CHAIRWOMAN: So, we should continue to get the approval for the -- of the hearing?

MR. CORDISCO: Yes.

THE CHAIRWOMAN: And make it for May?

MR. CORDISCO: I think so.

THE CHAIRWOMAN: Or in June, whenever, they're ready?

MR. CORDISCO: I think it will be done in conjunction with the site plans.

THE CHAIRWOMAN: Okay.

MR. CORDISCO: So, before we move onto that, I would suggest that the Board consider allowing the waivers at this point. Because it will effect the design overall.

MR. LOCH: Presentation.

MR. CORDISCO: At that Public Hearing, as far as, the subdivision is concerned. The code does provide that the Board, if you find that due to the special

circumstances of a particular plot, that you may waive requirements.

So, specific requirements have been requested to be waived here for the subdivision only.

MR. LOCH: Yes.

MR. CORDISCO: That's in connection with the topography, with the utilities and the storm water plans, as I understand it.

MR. RUSSO: Also, it has to show road right-a-ways, any easements that may be offered to the municipality --

MR. CORDISCO: In which there are none.

MR. RUSSO: -- sidewalks, streetlights, drainage systems and some other items, cross sections, high profiles. There are none for the subdivision.

THE CHAIRWOMAN: Okay.

MR. CORDISCO: So, if the Board is comfortable and based on the request, recommendation if you could waive those

requirements. That way, the Applicant will have an understanding as to what it is that needs to be -- also, what does not need to be done.

THE CHAIRWOMAN: So, we're going to have a motion and a second, to waive the requirements on the preliminary plot B10, B12, B21 and B23. And the final plot which is, B15 through B21, B22 and B23.

MR. CORDISCO: As well as, the requirements to repair the storm water plan for the subdivision. So ordered plans are being prepared for the site plan.

THE CHAIRWOMAN: And in addition, we'd ask the Board, us, to waive the requirement of preparation of what we -- (Inaudible) from the subdivision in action.

So, where's the motion?

MR. KLARE: I'll make it.

THE CHAIRWOMAN: Ron, will make the motion.

MR. MURPHY: I'll second.

MS. HUNTER: Neil, seconds.

THE CHAIRWOMAN: I will start with you, Neil.

MR. MURPHY: All in favor?

MS. CELENTANO: Favor.

MR. KLARE: Favor.

THE CHAIRWOMAN: Aye.

Next --

(Whereupon, a discussion was held off the record.)

(Back on the record.)

MR. RUSSO: Is there anything else you would like for this one?

MR. LOCH: With respect to the subdivision, I don't think so. We're good for that.

THE CHAIRWOMAN: So, we took care of business.

MR. RUSSO: You gentlemen have anything you want to add to this before we move on?

MR. RICHMOND: On the site plan?

MR. RUSSO: Right, I'm asking you on the subdivision.

MR. RICHMOND: I think we're good.

(Whereupon, a discussion was held off the record.)

(Back on the record.)

MR. CORDISCO: Let's move on to the next one.

THE CHAIRWOMAN: Next one is -- so, now we're going to talk about if for the final site plan from Section Lot and Block 101-2-1.12. Who wants to talk about that?

MR. WARNER: I will. So, our second application before your Board tonight involves incorporating field changes into the site plan. And removal of certain notes on the site plan.

Regarding the site plan notes, the Applicant requests removing site plan Notes 2, 3, and 4. Which limit the permitting use of offices in the B2 Zoning District.

For example, Note 3, on the site plan specifies that each office area shall be rented only with the corresponding storage area. No tenant space shall be

rented solely as office space or solely as storage space. Each storage space shall be rented only with the corresponding office area. Any tenant renting multiple units shall also rent the corresponding storage areas.

Office use, is a permitted use in the B2 Zoning District. And there's nothing in the zoning code that states that you can't have a permitted a -- permitted office use without an accessory storage use.

In other words, offices are allowed to be rented without accessory storage in the B2 Zoning District. Whereas, the accessory storage would require at least one office to be rented simultaneously with it.

Consistent with removing Note 3, Note 4, indicates that no office areas or storage areas can be sublet to occupants besides the main tenants. However, this is also inconsistent with office as a permitted use of zoning district.

Similarly, Note 2, indicates that offices must be occupied year round and lack of office occupancy would render storage unlawful. And this is also inconsistent with office as a permitted use. And there's seemingly no planning basis for it.

This seems to irrationally overregulate the site. Especially, considering the offices of permitted use within the B2 Zoning District. Simply, it should be allowed to rent the offices as it wishes. Provided that the accessory storage use must have at least one principle office tied to it.

Otherwise, the other offices should be freely rentable consistent with the permitted B2 Zoning District.

With regard to the field changes and the site plan amendment, specifically, with regard to the mezzanine or the third-story. The Applicant did not intend to build a third-story.

It was attempting to build a

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permitted mezzanine level. However, in any event, the Applicant now seeks site plan amendment in order to incorporate the mezzanine level and other field changes onto the site plan. Which my Colleague, John, will go into further detail on.

MR. LOCH: Okay. During --

MR. CORDISCO: -- John, can you do me a favor --

MR. LOCH: -- Oh, absolutely. I'm sorry.

MS. HUNTER: Madam Chair, if I may read a note so that The Board Members are aware, you have copies of this.

Minutes from the February 27th, ZBA Meeting reflect that the ZBA approved the height variance as referred by the prior building inspector.

All other interpretations and variances initially requested by MYL, are held -- or held in abeyance at the request of the Applicant. And a draft resolution is being prepared from Attorney Mckay from the ZBA. I just wanted the Board to be

aware of that.

THE CHAIRWOMAN: Thank you.

MS. HUNTER: You're welcome.

MR. LOCH: Okay. Essentially, we're here for -- I guess, really two things on how you describe it.

One is, yes, there were some field changes. That's pretty much a normal course of construction. You do have events that occur, that require some minor modifications. There were some on this site.

In particular, we had some utilities issues where we had to put utilities in a little differently, than it was planned.

The way some of that happens is, you really don't get to a -- get commitments from companies like Orange and Rockland, where they will put a transformer box or where they will not. Until you're actually trying to build the place.

And that is a good example, we had

to move the transformer box. There are other things we did in terms of relocation of some of the gas in other facilities. That's really common.

We did have a couple of other issues that were somewhat less common. We had a little problem with some of the turning radius in the back of the building. So, we did make an alteration that pushed the pavement parking back a little bit further. So, you can swing a truck properly through there. And get a retaining wall.

It did not do anything to interfere with the stream. It as carefully kept out of the water course. And it was also set up so it doesn't have any other impacts with anything such as any type of wetlands or any type of sewers or facilities there.

So, basically we did end up adding about half a wide strip of pavement, to make things better for turning.

Another area where we did have an issue is, the original approval of this

was based on some survey work that was done at an earlier point in time. At some point, the neighbor in front dumped a lot of fill right at our property.

And originally, there was no intention for there to be a retaining wall. But we actually starting grading the place out, we found a lot of fill, we found a lot of issues in terms of the grade there, with the neighbors.

We were able to work things out with the neighbors, in terms of providing some easements and then producing a plan for installing the retaining wall. That's the type of things that we had as field changes.

Now, in getting into amendments. Essentially, there are really very little things we're looking to amend. We already had a bit of discussion about the notes and the usage, with respect to the office space. And, how that links to storage space.

Another item is that, we do have a

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determination that -- there is a third floor. A -- or well, we're working that through with the Boards. As a result of that, we may have -- added some office space in terms of additional area above what was originally approved.

To accommodate that, we are looking to expand our parking. There have been some discussions regarding what is necessary for parking. We believe we have found a way by developing a parking lot, in the parcel that we are acquiring; adjoining site and merging to the site.

One second -- one second. We basically have indicated roughly, what we believe we're going to need for retaining walls, for the layout, for the parking spaces. We are getting where we believe we'll end up with a total of around 100 -- a little over 105 spaces available.

Which would be more than enough to accommodate the additional square footage of the office space. Some of the discussion that came about with the office

space is, just how it got laid out. Um -- where it was set up and permitted. So, that most of the offices have window views. There're not contained deep within the building. A -- so that's -- how we got to this stage.

I have taken some of the suggestions from your engineer with respect to the parking. And I've looked, that altering what we were proposing over in this area. (Indicating) We can actually get a total of seven spaces where we had four.

However, I also saw one of his other comments, that I'm evaluating currently, if I'm going to have to make any changes in this. Where I may end up actually reducing things, slightly. I may end putting another space on the side, another space on the side and keep this more as a -- (Inaudible) out for returning purposes. So, we can see we'll lose one space there. (Indicating)

But that's essentially, what we're

seeking in the way of amendments.

THE CHAIRWOMAN: John, do you have -- look over those?

MR. RUSSO: Yeah, I'll go over my comments.

One of the plans shall be signed and sealed by the engineer.

MR. LOCH: Do you want me to address it? Or do you want to do it?

MR. RUSSO: You want to wait until the end?

MR. LOCH: Whichever, way you want to do it, yes.

MR. LOCH: We'll sign and seal it, no problem.

MR. RUSSO: Sheet 30 of 30, should be labelled SP20, on the list of plans on the cover sheet it says, "SP21."

MR. LOCH: We'll take care of all the issues with the sheet number. And actually anticipate we'll be adding additional sheets. We'll provide more details on the parking area development.

MR. RUSSO: Okay. The Zoning Board

of Appeals decision notes, on Sheet 1 of 30. Shall be updated to include the variance granting of the height of the building.

MR. LOCH: As soon as I see the exact wording, we'll be putting that right on there.

MR. RUSSO: Okay. With regard to Notes 2, 3 and 4, on the cover sheet, these could be eliminated and substituted with the following.

Note Number 2, each storage area shall be rented with a primary office use. Storage area shall not be rented leased or subleased, on their own. As that would constitute the use of a storage area as a primary use, which shall be considered a violation of the Village's zoning code.

Go ahead. I hear you have a comment?

MR. WARNER: I'm happy with that note.

MR. RUSSO: Oh, no, the way you sat up, I thought you had a comment.

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MR. RICHMOND: No, I think we -- a -- I think that's reasonable language.

MR. LOCH: Yes.

MR. RUSSO: Now, the only question I had for you, when you were discussing the notes. Specifically, Number 2, office area shall be occupied year round and utilized. And you're saying, no, that shouldn't be the case.

What if, the storage area is associated with that office area? But they're not using the office area, they're just using the storage area? Now, that becomes the primary.

MR. RICHMOND: So, you want, I guess, to be like, with an active office?

MR. RUSSO: It's got to be connected with an active office. Let's say, if it's connected with a single office and that office only operates for six months? And they continue to operate year round as a storage, now we've gone from accessory to a primary.

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Um -- if -- they rent the office or -- I'm sorry, they have the office and the storage area and are only using the office six months and only use the storage area for six months, I guess, we're fine.

MR. WARD: So, in terms of the lease or whatever, would have to be equal, is another way of saying that.

MR. RUSSO: Yes.

MR. RICHMOND: But the office areas don't need to be occupied year round.

MR. RUSSO: I understand that. But if you're the occupant of the office, then also you took up the storage area.

MR. RICHMOND: I think as Aaron said, that the storage space and the office space need to be used simultaneously.

MR. RUSSO: Right.

MR. RICHMOND: I'm just trying to make sure.

MR. LOCH: We will make another sentence for that note to cover that.

MR. RUSSO: As there was a minor

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subdivision before the Planning Board that would transfer a little over 12,000 square feet to this parcel in the southeast corner. The amended site plan should reflect the additional of this amended parcels. And the new lot lines of the parcel. Along with any improvements proposed to this area.

MR. LOCH: We'll certainly do that.

MR. RUSSO: The 20 foot wide drainage easement on the west side of the site, shown on Sheet 1. Should be revised to reflect the actual revise drainage easement, that was already filed and is reflected on the minor subject.

MR. LOCH: We'll update that.

MR. RUSSO: I will also point out John that -- I forget about which sheet. As reflected on the site plan, drainage easement, is different than that on the minor subdivision.

MR. LOCH: Yes. Basically, we had drainage easements through there. It worked out that the one manhole is

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slightly out of place. They moved it because they hit something and I ended up expanding the easement slightly.

MR. RUSSO: So, just reflect it to match.

MR. LOCH: So, yes, I've got a whole new easements that will completely match the facilities.

MR. RUSSO: Um -- based upon the calculations of the floor areas, it appears that the overall office area will be just under 15,000 square feet. This impacts the parking calculations provided on Sheet 2 of 30. Which would increase the number of required parking spaces from 74 to 75.

For the office space, this is in conjunction with the 16 spaces required for the storage area, provided for total of 91 parking spaces required for the site. Whereas, the site only has 83 parking spaces, being the site is deficient in parking by eight spaces.

But another consideration to look

at is, they have 90 offices overall in the building. If you have one individual in each office, that's 90 spaces plus 60 more for the storage area. You're looking at 106 spaces being needed.

John, I think you can get close to that, building out that other area.

MR. LOCH: We can get close to building out that other area -- um -- and I don't really have much of an issue. I mean, in one respect I'd like to say, we'd prefer to go with the area, but still build the spaces.

In terms of determining what's required. We're willing to exceed what we think is required. Which is based on the square footage.

MR. RUSSO: It doesn't take into account for the visitor parking if somebody were to show up to any of these offices.

MR. LOCH: Yeah. I mean, it's unlikely there will be types of businesses that will generate any a -- rocking

business. And also, it's likely that -- we'll end up with a certain amount of carpooling, in terms of arrivals. But we understand and we'll make sure we have an adequate amount of parking.

MR. RUSSO: Okay. A -- the bulk requirements should be updated to reflect the area to be added to the site, based on the minor subdivision application. The bulk requirements shall be revised to reflect the actual height of the building, as constructed. As the variance had to be issued for the height, this would mean that the maximum building height was exceeded.

As the variance has a -- I'm sorry. The building has a third floor in term third-story, the Applicant will need to seek variance to the third-story. As the B2 Zone allows for a maximum of two stories.

Four parking stalls, that we were just talking about. Mr. Loch noted earlier, along the wall, we recommend

turning those 90 degrees so that there're facing the wall. It leaves for a larger access aisle around the building, in that area. I think, we may be able to gain some space.

MR. LOCH: I've already done that with the truck layout and stuff on it. We can actually get seven spaces along that line.

MR. RUSSO: So, that might save you those three that you need to --

MR. LOCH: -- As I may --

MR. RUSSO: -- revamp in that --

MR. LOCH: I'm still trying to make sure I'm over 105. And I think, if I do this, I'll lose only one.

MR. RUSSO: Okay.

MR. LOCH: So.

MR. RUSSO: Um -- Sheet 10 of 30, is incomplete. The reason I'm stating that is, I don't know if it was something in printing?

MR. LOCH: I believe it was something with our printers.

MR. RUSSO: Okay.

MR. LOCH: We sent it out for printing and literally, we picked the prints up 15 minutes before the deadline for submission.

MR. RUSSO: It was just the one sheet.

MR. LOCH: Yeah.

MR. RUSSO: Sheets 28 and 29, should be of 30, as to the sheet numbering.

MR. LOCH: We'll correct the sheet number.

MR. RUSSO: Elevation view of Sheet 20 of 30, shall be revised to reflect what has actually been constructed on the site.

MR. LOCH: Which is basically a lot more windows, yes.

MR. RUSSO: Sheet 30 of 30, shows a conceptual parking layout. We would recommend that this plan be further developed to show the grading, how drainage would be handled. Elevations of the proposed retaining walls, lighting,

landscaping, everything pertinent to the construction of that area.

With that, John, getting into the SWIP. I'm not sure how you want to do it? If you've spoken with your Applicant and you want to amend the existing SWIP?

MR. LOCH: Okay. I think it's actually easier to amend the SWIP.

MR. RUSSO: Okay.

MR. LOCH: Particularly because at this point, I really don't think I'm going to connect drainage from here (Indicating) into the main system on this site. I think I'm going to end up connecting to the out haul that was put in for the fill area.

MR. RUSSO: So, you'll do the separate --

MR. LOCH: -- So, it'll be a whole separate set of calculations. I don't have to look into remodeling everything to try and get something that's going to work. So, I think, amended is going to be the route on that.

MR. RUSSO: The scale of the drawing Sheet 30 of 30, should be provided.

MR. LOCH: I'll take care of that.

MR. RUSSO: I don't recall if a maintenance and easement arrangement was provided?

MR. LOCH: I believe there was and the developer e-mailed it over to me. I didn't have a chance to read it to make sure if it was the correct one.

MR. RUSSO: It would have to be amended for whatever you're doing in regards with the parking facility.

MR. LOCH: Yup.

MR. RUSSO: And the other thing that needs to be considered is traffic. And, what are the impacts on traffic?

MR. LOCH: Well, one of the things that was recognized, I took the time to read through the minutes for the previous approval.

And basically, it was recognized that this site is a very, very, small

generator of traffic, relative to a state highway. So, at that time there was no significant study really required.

They did do some work where they were concerned about having adequate site distances in the driveway. They had laser involved with that. And there doesn't seem to be any issue with respect to the physical patterns for moving cars. I don't think we're adding something tremendous to this.

MR. RUSSO: I would just request that you go back and look. I think there was a traffic study completed for this project, when this was originally before the Board.

MR. LOCH: I will take another look.

MR. RUSSO: I would like to see the impacts to that.

MR. LOCH: Okay.

MR. RUSSO: That's all I have.

(Whereupon, a discussion was held off the record.)

(Back on the record.)

THE CHAIRWOMAN: I have a question.

The question is, during the Zoning Board's appearances, which were two of them. There was a couple that had a problem with their particular house. It got full of grout and they spent an enormous amount of money to get the leaves and so on and so forth. And they asked for some type of relief or action from you.

So, I want to know is, are you working on that? That's all I want to know.

MR. LOCH: Okay. I would believe that you're referring to the property next door. Which is owned by Demico.(Phonetic) I have been in contact with them and I discussed things with my Client, with respect to this.

We are -- my Client, is willing to allow them to connect to drainage facilities for an outfall. Provided it doesn't impact our ability to get this

approved and to do things here. And we've inquired what, if any, permits she would need to do that.

You do have to keep in mind that, her drainage issues existed before we touched this piece of land. In fact, when this was in front of the Board for the fill permit here, (Indicating) I brought in pictures that showed the parking lot over here (Indicating) flooded.

They have recognized they have an existing problem in that, their site is -- got a low point, it's lower than everything there. There's water upon it.

So, yes, we are working with them to try and do the neighborly thing with, we will allow connection of the facilities. But to some extent, we also are waiting to see exactly what we could do for extending the facilities further up; whether that helps a bit.

Actually, the area they have flooding is really about, in here (Indicating) you end up with a large

problem. I was over there actually today and there was again, water standing there.

Um -- part -- we have a SWALE on this piece (Indicating) from hard work that had been done this with fill. That is directing water right to the catch basin. There was nothing that was error'ed from this part of the property. There is stuff that comes from both on her own site and also from stuff much closer to 17M.

Again, there's a parcel in front of her, that drains to the back here. (Indicating) So, we're doing everything we can to make sure she has an opportunity to do this. But no, we're not taking on resolving it.

THE CHAIRWOMAN: Thank you, Mr. Loch.

MR. LOCH: Yeah.

THE CHAIRWOMAN: Any other questions?

MR. MURPHY: No.

MR. LOCH: No, questions?

THE CHAIRWOMAN: Okay. We have to go through the requests to get those memos -- taken out.

MR. CORDISCO: Right, so you got the three notes that you need to consider. Um -- are you looking for this Board to refer you back to the ZBA for that? Or that's just --

MR. RICHMOND: -- On the notes?

MR. CORDISCO: No, not on the notes. On the third-story.

MR. RICHMOND: I think --

MR. WARNER: -- We have the variances that we saw in abeyance before the Board. So, our understanding is that, we don't need a referral back to them, because they're still being held in abeyance.

MR. RICHMOND: Asking if we could have the notes parched out as a separate item? I don't know if that's something that the Board might be able to address quicker; because it doesn't require.

THE CHAIRWOMAN: Can we do that

now?

MR. CORDISCO: You can do that now. They are right here on the plan. (Indicating)

THE CHAIRWOMAN: Obviously, I see it.

(Whereupon, a discussion was held off the record.)

(Back on the record.)

THE CHAIRWOMAN: I'm just going to go over the three notes.

"Office areas shall be occupied year round, utilized by the tenants for conducting their business. The lack of occupancy of the office area shall render an associated storage area unlawful, due to no longer being accessory use." That's the first one.

The second one, "each office area shall be rented only through the commercial 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 the

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corresponding office area. Any tenant deemed multiple units shall rent the corresponding accessory storage area."

And the last one, "no office areas of storage or storage areas shall be subject for otherwise offered to occupants assigned to the main tenants."

So, now we need a motion and second so we can approve that we're going to waive them.

MR. KLARE: I'll make the motion.

THE CHAIRWOMAN: Maria, Ron, made the motion.

MR. MURPHY: I'll second.

THE CHAIRWOMAN: We'll start with you, Neil.

MR. MURPHY: Aye.

MS. CELENTANO: I approve.

MR. KLARE: Aye.

THE CHAIRWOMAN: Aye.

MS. HUNTER: Four, yes's.

MR. MURPHY: That's the removal of the notes?

MR. CORDISCO: Yes. And comment

and additional language that you would work up.

MR. MURPHY: Was that approved?

MR. CORDISCO: Yes, they just approved that.

MR. MURPHY: Okay. Great.

THE CHAIRWOMAN: I need a motion -- a motion and a second to circulate for the lead agency.

MR. KLARE: I'll make the motion.

THE CHAIRWOMAN: Ron, made a motion.

MR. MURPHY: I will second it.

THE CHAIRWOMAN: I'll start with you.

MR. MURPHY: Aye.

MS. CELENTANO: Aye.

MR. KLARE: Aye.

THE CHAIRWOMAN: And, aye. We all said, yes. Four yes's.

(Whereupon, a discussion was held off the record.)

(Back on the record.)

MR. CORDISCO: Madam Chairwoman, in

terms of moving this forward, I would like to suggest that the Board consider additionally, authorizing the Public Hearing on this. And those conditions would be that, the Applicant would respond to any open comments that The Board has given to the Applicant's and consulting engineer; provided as well.

And that this Public Hearing would then be scheduled simultaneously, subdivision for the Code Hearing. And that would most likely happen, in the May meeting. The Board could also then receive any updates that the Applicant could reply as far as the ZBA is concerned.

They can provide an update to the ZBA now, based on the fact that they were here previously for you. And they can ascertain about that. And that way, maybe, you would be in a position to have updated plans and updates as far as the ZBA is concerned. And also be in a position to assume the agency at that

time.

And you'll also have sent the plans to the County Planning Department. So, you will have all of these things in place for the benefit of the Board. And as well as, the benefit of the public to have that.

I think the Applicant would wish to speak on that behalf.

MR. LOCH: Yes. That sounds very good, we like that. We would ask one thing, though. While we have no problem bringing you any update we get from the ZBA, we're just waiting for the written resolution. So, we can show you the precise language on the height variance.

We were asked to hold the other aspects of our ZBA application in abeyance, until after we had been to the Planning Board. And I'm presuming, that what they were hoping for, if there are any planning issues, that your Board is concerned about, they can be raised by the Board to the ZBA.

Specifically -- you know -- if you are inclined to indicate, it looks like, we are addressing parking, through the methods we've shown here. By land acquisition, development, etcetera.

Um -- having addressed the parking, is there a planning issue with respect to the third floor? Not getting into the zoning aspects, which we will certainly address with the Zoning Board. But whether there is any foreseen planning issue?

And towards that end, I would like to point out, the Applicant thought he was building a mezzanine. And the reason he thought it was a mezzanine is, completely contained within the two-story outline of the building.

In other words, you have the storage area which is basically through the floor of the building. On top of that, it's still above the ceiling of the third floor. So, what we've got is offices on the second floor level,

office -- proposed offices up on the third floor level.

But it's completely -- it's not that, if you didn't have that third floor the building wouldn't be any shorter, for example. It's completely within the main envelope of the building.

So, if the Board has any comments they would like to consider or contemplate to pass along to the ZBA, I'm presuming that's why they suggested we come here first before going back.

MR. CORDISCO: I think that's fair. To the extent that you have any update from the ZBA you certainly can provide that to the Board as part of any future submission.

MR. LOCH: Okay.

MR. CORDISCO: My suggestion to the Board is that, you entertain a motion to schedule and authorize another Public Hearing. Conditioned on the resubmission of the Applicant addressing the comments that have been made to them. As well as,

the circulation of the agency. And also the circulation of the county lines.

THE CHAIRWOMAN: So, different bank we can authorizes that now?

MR. CORDISCO: You can.

THE CHAIRWOMAN: It could be June, if they're not ready?

MR. CORDISCO: It would be conditioned on them providing a submission. So, if that submission doesn't come until the June meeting or the July meeting or whenever it comes, that's when they meet.

THE CHAIRWOMAN: Okay.

MR. CORDISCO: So, this is in compliance of the Public Hearings all of them happening at the same time. Does that make sense?

THE CHAIRWOMAN: That makes a lot of sense.

MS. HUNTER: That makes sense to me.

(Whereupon, an off the record discussion took place.)

(Back on the record.)

MR. RICHMOND: Just a couple of points related to that. I think we would, even if your Board, I don't know, if it's inclined to schedule a Public Hearing, we would like to appear before your Board in April.

As John said, to at least get feedback to hopefully go before the Zoning Board in May. Having your comments, hopefully, work with them and having that variance.

I would also ask if your Board -- um -- I know we're going to be working to get you some plans, you could authorize their distribution to the County Claim Department. So, they can definitely have it.

MR. CORDISCO: Yes. Definitely that was part of my suggestion.

MR. RICHMOND: Thank you.

MR. CORDISCO: So, once again, the combined motion to authorize the Public Hearing to be held simultaneously.

Subdivision for the hearing, either will be conditioned by the Applicant to respond to comments. And it would also, provide that the Board would circulate whether the intent for the agency. As well as, send the plans to the GML to the county.

THE CHAIRWOMAN: I'll make the motion.

MR. KLARE: Second it.

THE CHAIRWOMAN: Neil?

MR. MURPHY: Aye.

MS. CELENTANO: Aye.

MR. KLARE: Aye.

THE CHAIRWOMAN: Aye.

The next Planning Board Meeting deadline for the paperwork is April the 7th, for the April 21st meeting.

(Whereupon, a discussion was held off the record.)

(Back on the record.)

MR. RUSSO: They want to be on the next agenda before next April. They want to appear before us even before the Public Hearing.

MS. HUNTER: John?

MR. RUSSO: Sorry.

MR. CORDISCO: Are you sating that you want to appear at the April meeting?

MR. RICHMOND: Yes. I think, if it's the April 7th, deadline, I think we can make that.

MR. LOCH: The question is, whether the Board is going to be comfortable with the Public Hearing before we get any 30 days past with the -- the a -- GML.

MS. HUNTER: GML.

MR. LOCH: Is your policy GML has to be before the Public Hearing meets?

MR. CORDISCO: It's preferable that way we -- the Board has the comments from the County Planning, as well as, public has knowledge of those as well.

You know -- the difficulty is that -- given the fact that we have to circulate through the agency.

MR. LOCH: Right.

MR. CORDISCO: And the timing of that, the 30 days of that being not

elapsed by the time of the meeting. So, you could theoretically schedule it and have that Public Hearing, I'm not sure that we're closed at that time.

MR. LOCH: Right.

MR. CORDISCO: And still awaiting for comments and responses from other agencies.

(Whereupon, a discussion was held off the record.)

(Back on the record.)

MR. RICHMOND: So, we would still like to appear at the April meeting.

MR. CORDISCO: I think, it's conditioned to making the submission in time for the April meeting.

MR. LOCH: We can do that.

MR. RICHMOND: We can.

MR. CORDISCO: We are all in agreement that the Public Hearing would be in the May date?

MR. LOCH: I would think so.

MR. CORDISCO: It's just a little bit too tight.

MR. LOCH: Okay. I mean, basically, the only reason we're really looking is, we're trying to see, if you have any and you want to express to the ZBA. Because we do have a date certain in their May meeting.

And we would like to see if possible, to wrap that up, because we realized that -- we have to have the variance for the third floor, prior to your granting an approval for the site plan on this.

MR. CORDISCO: I don't want to speak for the Board but I think, you could certainly provide to the ZBA the fact about the comments you made, by a copy of those comments. Be advised that you're asking for the comments from the Board.

MR. LOCH: Okay.

MR. CORDISCO: And I think, the Board is scheduling a Public Hearing.

MR. LOCH: Okay.

MR. CORDISCO: So, that they are moving the application forward.

MR. LOCH: Okay.

MR. CORDISCO: Should be taken as a possible step by the ZBA. And then, you're also looking to appear in April.

MR. LOCH: What I will do is make sure the comments are available to the ZBA and they can take them as they will.

MS. HUNTER: Okay.

(Whereupon, a discussion was held off the record.)

(Back on the record.)

THE CHAIRWOMAN: Okay.

MR. CORDISCO: They did the motion?

MS. HUNTER: Yes, they did the motion. They did the motion for the May meeting.

MR. RUSSO: Is there anything else?

MR. LOCH: I don't think so.

MR. RICHMOND: Thank you, very much.

THE CHAIRWOMAN: I'll close motion, to close the meeting.

MR. KLARE: I make a motion.

THE CHAIRWOMAN: Second.

MR. MURPHY: Aye.

MS. CELENTANO: Second.

THE CHAIRWOMAN: All adjourned. See you gentlemen later.

MR. RICHMOND: Thank you, very much. We appreciate your time and attention.

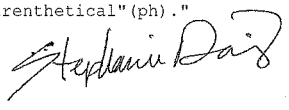
(Time noted: 8:29 p.m.)

CERTIFICATION

I, Stephanie A. Colon-Davis, Certified Court Reporter, before whom this proceeding was taken, do hereby state on the Record:

This to be a true and accurate transcript of the aforesaid proceeding and that due to the interaction in the spontaneous discourse of the proceedings, dashes (--) have been used to indicate pauses, changes in thought, and/or talkovers; that same is the proper method for a Court Reporter's transcription of proceedings, and that the dashes (--) do not indicate that words or phrases have been left out of this transcript;

That any words and/or names which could not be verified through reference material have been denoted with the parenthetical"(ph)."



Stephanie A. Colon-Davis

Dated: March 17, 2025

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