

TAC MINUTES OF JULY 17, 2024

TAC REVIEW: 400-500 CORPORATE COURT, 52.19-1-1 (FKA 109-A-1), VALLEY COTTAGE

PROJECT DESCRIPTION: Petition for a Planning Board Special Permit to allow retail use on the site for the sale, rental, storage, warehousing, maintenance, and repair of general construction equipment and contractor supplies. The property is located on 16.90 acres of CO-zoned land at the terminus of Corporate Way in Valley Cottage Executive Park in Valley Cottage.

ARCHITECT/APPLICANT: K. Salomone, M. Fowler, K. Legue, N. Dupuis

CONSULTANTS PRESENT: J. Simoes, C. Wagner, C. Maneri, D. Katz, J. Gillies, K. Hobbs

**CONSULTANTS WRITTEN INFORMATION AND/OR RECOMMENDATIONS:
DEPT. OF ENGINEERING & FACILITIES MANAGEMENT: 7-17-24**

1. It does not appear that a stormwater maintenance agreement was filed for the site as a condition of site plan approval in 2008. Provide a stormwater maintenance agreement for the stormwater management facilities on site to be filed with the Rockland County clerk.

2. Provide an inspection report of the existing sand filters and drainage system on the site. Any maintenance or repairs identified during the inspection should be completed prior to granting of the special permit.

2. BUILDING DEPARTMENT: 7-12-24

1. Narrative shall indicate the area to be utilized for retail.

2. Add map note to site plan with general list of equipment to be stored outside.

3. TOWN ATTORNEY: No written comments.

4. PLANNING: 7-11-24

1. The plans should inculcate the locations of equipment and materials storage areas.

2. Parking spaces and drive-aisles must be dimensioned.

3. The locations of any exterior dumpsters and associated enclosures (if applicable)

4. As the proposed use is no longer a bus service facility, the applicant should indicate how the existing bus parking area will be used.

5. As this Special Permit application only involves a change in use at the site, the Planning Department recommends outstanding submittal requirements be waived. Additionally, the applicant may wish to seek a waiver from Landscape Plan requirements from the AHRB.

5. HWY: 7-23-24 No comment from CHD.

6. FI: 7-11-24 All vehicles, equipment and such must be parked in marked parking areas.

Minimum 20 foot wide clear emergency access lane must be maintained at all times.

7. ASSESSOR

8. TOWN CLERK

ADDITIONAL COMMENTS:

- J. Simoes began the meeting. He explained that this is a meeting of the Technical Advisory Committee, and as with any meeting of the TAC the purpose is to go over the technical sufficiency of any site plan or subdivision prior to Planning Board submittal. He acknowledged that members of the public have dialed into the teleconference, and explained that this is not a public hearing. Therefore, no comments will be taken from the public. He advised the public to reach out to the Planning Department with any questions

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or comments on a project via: email to planning@clarkstown.org, or telephone (845) 639-2070. He introduced the members of the TAC, and the applicant.

- **K. Salomone** introduced the project, stating that Realterm is proposing to continue the pre-existing, non-conforming use of the bus terminal on the property. They are looking to add some very small retail related use which is ‘driving’ their special permit application. They are appearing at TAC looking to answer any additional questions and address any further comments from the committee. Their engineer has already begun to address memo comments they’ve received from the committee, for instance the dimension of the plans, where the retail sales outside will be, storage where the bus parking spots are, and the location of the dumpsters.
- **J. Simoes** then opened the meeting with an introduction of the participants from the town. Some discussion ensued at which time Engineer **M. Fowler** joined the discussion. He inquired whether his set of plans could be displayed for all, commenting this new set of plans has dimensions added and responses to previously received comments have been addressed. He continued they are planning to utilize a portion of the former bus parking area and make it the outdoor storage area for the equipment by the new tenant. They’ve added a trash and recycling area by the side of the building. They had previously designated some spaces for the retail use. He confirmed there are parking spaces 10 feet wide x. 19.5 long. He commented they’ve put on some dimensions in the aisles. What does not comply are some of the ‘outlier’ spaces, which are short in some of the dimensions, but they don’t anticipate using them at this time. He acknowledged this is the extent of what they’ve added to this point, and commented they are aware they’ll have some issues they’ll need to address with their application to the Planning Board.
- **J. Simoes** referred to the previously submitted written planning comments, which had largely been referenced previously by **M. Fowler**. He inquired whether the equipment material storage area would be fenced off or left open. **M. Fowler** responded he’d imagine, since the equipment has some value, it would be fenced off. **K. Legue** interjected and inquired if the entire lot is being fenced in as a whole, would it be necessary to fence in that individual storage area specifically. She commented she doubted that area would be fenced in. **J. Simoes** commented that whatever they intend to do needs to indicated on the plans either way. He continued they’ll need to double check the dimensioned parking spaces and drive aisles. Usually the circulation is for fire trucks and sanitation vehicles, but if they’re getting through there now, there should be no issue.
- **J. Simoes** inquired of **C. Maneri** whether they’ll need to have an enclosed dumpster on the site – speculating the type that would have a concrete block around it. **C. Maneri** mentioned he didn’t think that would be necessary.
- **J. Simoes** commented that the applicant had already indicated how the bus parking will be used. He stated that since this is a Special Permit application with no change in the site plan in any way other than designating spaces, he recommends that they ask for a waiver of all outstanding submittal requirements. They have not been listed in the planning memo to the applicant. Suggested it’s not sensible or necessary to submit all these plans that basically show existing conditions. Also, recommends they ask for waiver for landscaping requirements from Architectural Historic Review Board to

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- potentially speed the process up, while awaiting Planning Board appearance. Commented otherwise it's a two-step process which takes longer. Discussion ensued between **C. Maneri** and **J. Simoes** regarding site plan approval if there's no AHRB approval? **J. Simoes** commented since there is a new site plan, and they are changing parking and rearranging the actual layout, they'll want to file a formal site plan. Given that, he suggested the applicant ask AHRB for an exemption.
- **J. Simoes** clarified that procedurally they would go to Planning Board for SEQR and preliminary approval at the same time. Ordinarily, then they'd go to AHRB for approval for lighting and landscaping, and then come back to Planning Board for final. He reiterated his suggestion that since AHRB has nothing to approve, approach that Board in advance and ask to be exempted. However, since it's built into the code, they have to apply. He commented there may be a chance that Planning Board won't need to send the applicant to AHRB, they may get Special Permit preliminary and final approval all in one night. **K. Salomone** inquired about the order of meetings, which **J. Simoes** again clarified. **K. Salomone** acknowledged he understood.
 - **J. Simoes** invited **C. Maneri** to review the previously submitted written Building Department comments. **C. Maneri** stated in the narrative they should indicate square footage-wise what the retail use is, and add a map note to the site plan with a general list of equipment that will be stored. Also suggested the prior tenant may have had the existing spaces that don't meet the 10x19 ½, put in for the car dealership. Offered his opinion that maybe just take the spaces off the site plan if they meet the requirement; he doubts they'd have gotten approval before with substandard parking spaces, and he doesn't recall that configuration. **K. Salomone** commented they are required to have 98 spaces, and if they take the odd size spaces out, they'll have 99. **C. Maneri** remarked that since they meet the requirement they can remove them, or designate that area as equipment storage. **C. Maneri, J. Simoes, K. Salomone** and **M. Fowler** all acknowledged that area won't be being used for customer parking – so this is a good idea.
 - **C. Wagner** reviewed previously submitted written Engineering comments – need to have storm water maintenance agreement plan in place, must have been an oversight since none was ever in place. Since the facility has been in place since 2008, need an inspection report, as enumerated in the department memo.
 - **J. Simoes** reviewed previously submitted Fire Inspector written memo.
 - **Town Attorney** commented need to review stormwater maintenance agreement plan. **K. Salomone** inquired if **C. Wagner** would provide. **K. Salomone** will send to **C. Wagner** first for review for technical sufficiency and then share with Town Attorney. **K. Legue** will send to **C. Wagner**. Further discussion ensued with **C. Wagner** and **K. Legue** about the inspection report – **C. Wagner** advising it should be prepared by the applicant's engineer. No specific format but should be a detailed inspection of the existing facilities on site, and any maintenance recommendations from the inspection. **K. Legue** acknowledged she understood and would have that prepared.
 - **D. Katz** inquired about what was in place when pulling up to the front of the building. **K. Legue** commented she was pretty sure there's a curb but will double check. **D. Katz** requested bollards to help avoid any potential accidents with people pulling up to the building and parking-curbs are insufficient.

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- **J. Simoes** commented all access points to the building need to be shown for accessibility – need to be wheelchair accessible. Need to label all doors and may need some drop curbs to get wheelchairs around poles.
- **J. Simoes** and **C. Wagner** don't feel they need to return to TAC. Need to apply for an amended site plan to Planning Board as soon as possible. Make all necessary changes on the site plan. Request preliminary and final review at time of special permit application and site plan modification: applying for an amended site plan-which should be indicated in the narrative of the application. **J. Simoes** commented to **C. Wagner** that he feels they can do a concurrent review. **C. Wagner** agreed and discussion ensued about whether there's a GML on this project.
- **C. Wagner** commented County Drainage Agency may have jurisdiction over Kill von Beaste: believes that will trigger the GML. The County regulates anything that falls within 100 feet of 100 year flood plan boundaries. **J. Simoes** commented that would be confirmed. Once they submit, they'll try to get them to Planning Board as close to 30 days afterwards and hopefully get the applicant in and out in one meeting.
- **C. Maneri** commented AHRB doesn't meet until mid-August – he'll provide contact info from Building to get on the August agenda for waiver before Planning Board.

DETERMINATION:

Apply to Planning Board for concurrent SEQR and GML review. Request waiver from AHRB.

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