



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

**PLANNING BOARD MEETING
FEBRUARY 26, 2024
7:30PM**

- 1. PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. ACCEPTANCE OF MINUTES – JANUARY 22, 2024**
- 4. 102-4-10 & 11 – HARRIMAN MANOR APARTMENTS**

**THE NEXT PLANNING BOARD MEETING IS SCHEDULED FOR
MONDAY MARCH 18, 2024, @ 7:30PM**

**SUBMISSION DEADLINE FOR THE PLANNING BOARD MEETING IS
FRIDAY MARCH 1, 2024**

**VILLAGE OF HARRIMAN PLANNING BOARD MEETING
FEBRUARY 26, 2024
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Chairwoman Escallier opened the Village of Harriman Planning Board Meeting of February 26, 2024, at 7:30pm. She welcomed everyone followed by the Pledge of Allegiance and roll call.

Present: Chairwoman Irma Escallier, Member Klare, Member Murphy, Member Quinones, Member Rivera, Engineer John Russo, Attorney Dominic Cordisco, and Secretary Maria Hunter.

Member Murphy made a MOTION to accept the minutes from January 22, 2024.
SECOND by Member Klare, ALL IN FAVOR.

102-4-10 & 11 HARRIMAN MANOR APARTMENTS: Chairwoman Escallier mentioned she has the site plan if anyone needs to see them. Steve Brown, applicant of project and owner acknowledged the Village attorney drafted a Resolution of Conditional Final Approval which he has received.

Mr. Russo asked for changes to section #5 on page 6 that project engineer include preliminary costs to his office to establish performance bond, establish escrow, construction observation, and stormwater construction. Additionally, section #10 needs to have the word "Subdivision" replace the words "Site Plan" and parkland Fees should refer to Section 74-5D (2) of the Village Code. Attorney Cordisco has already made the changes requested by Mr. Russo. He noted if the board accepts the resolution as amended and is comfortable tonight, they can authorize Chairwoman Escallier to sign the clean copy.

Attorney Cordisco noted that it has been his privilege to represent this board for the past 7 years and thanked the board.

Chairwoman Escallier asked where the mail delivery is located on the plans and was concerned about the weather. Mr. Brown stated mail will be secured inside the entry of the buildings.

Chairwoman Escallier made the MOTION to accept the Conditional Final Site Plan Approval for Harriman Manor with the amended changes and to sign when received from the Attorney Cordisco.
SECOND by Member Klare, ALL IN FAVOR. (Signed resolution will be attached to official recorded minutes.)

Mr. Brown will have the necessary approvals from outside agencies in place before any work begins. He also thanked the board for their approval this evening.

Member Murphy made a MOTION to close the Planning Board meeting of February 26, 2024, at 7:50pm.
SECOND by Chairwoman Escallier, ALL IN FAVOR.

Minutes respectively submitted,

Maria C. Hunter, Secretary

RESOLUTION OF
CONDITIONAL FINAL SITE PLAN APPROVAL
FOR
HARRIMAN MANOR

Nature of Application

Steve Brown (the "Applicant") applied for site plan approval from the Village of Harriman Planning Board to allow for the construction of two multi-family development buildings with 48 apartment units, a fenced play area and associated parking on a 3.88-acre site consisting of two tax parcels which are to be combined (the "Project" or "Harriman Manor"). The Project will be served by municipal water and sewer and derive access via NYS Route 17M.

Property Involved

The property affected by this resolution is located on a 3.88 acre parcel of property located on Route 17M and designated on the tax map as Section 102 Block 4 Lots 10 & 11 (the "Project Site").

Zoning District

The Project Site is located in both the RM and B-2 Zone, Section 140-80.D of the Zoning Code states that when a zoning boundary divides a lot in the RM District, the regulations for any such residential zoning district may, at the owner's discretion, extend to the entire lot. The RM Zoning District allows apartment buildings as a Principal Permitted Use. Based on the bulk table and density calculations provided, no variances are required.

Plans

The Site Plan materials being considered consist of the following:

1. Completed application forms and Full Environmental Assessment Form dated January 3, 2024.
2. Plans prepared for Harriman Manor as follows:
 - a. Plan set entitled "Site Plan for Harriman Manor Apartments – New York State Route 17M" prepared by Arden Consulting Engineers and consisting of Sheets 1 through 50 of 50, all with the latest revision date of November 27, 2023;
 - b. Sheets B-101, 201 and 202 prepared by Kevin Patton, P.E., with the latest revision date of January 3, 2024; and
 - c. Report entitled "Site Plan for Harriman Manor Apartments – Stormwater Pollution Prevention Plan Narrative," prepared by Arden Consulting Engineers, with the latest revision date of September 27, 2023.

History

Public Hearing

A public hearing on this application was duly noticed, convened and closed on November 20, 2023.

SEQRA

Type of Action:

This matter constitutes an Unlisted action under the State Environmental Quality Review Act ("SEQRA").

Lead Agency:

The Village of Harriman Planning Board is the lead agency conducting a coordinated review in regard to this action.

Declaration of Significance:

The Planning Board, acting as lead agency, conducted a detailed environmental review of the proposed action, and concluded that the proposed action will not create any significant adverse environmental impacts and an environmental impact statement will not be prepared. The Planning Board adopted a negative declaration on January 22, 2024.

GML 239 Referral

The application for site plan approval has also met the requirements for referral to the Orange County Planning Department for its review and recommendations pursuant to New York General Municipal Law § 239-m. OCPD provided a report of its findings, and it recommended that the application was one for local determination.

Findings

The Planning Board finds that the applicant has satisfied the requirements of Village Code § 140-45 and approves the site plan subject to the following terms and conditions set forth herein.

Resolution of Approval

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve the site plan application as said proposal is depicted on the plans identified above and upon the conditions outlined below, and the Chairwoman (or her designee) is authorized to sign the plan upon satisfaction of those conditions below noted to be conditions precedent to such signing.

Conditions to be Satisfied Before Plan Signature

Submission of Final Plans

1. This approval is conditioned upon the applicant submitting all necessary copies of the plans to be signed, including mylars when

required, to the Village of Harriman Building Department. A full set of the plans to be signed shall simultaneously be submitted to the Planning Board Engineer. The applicant shall make any required revisions to the site plan to the satisfaction of the Planning Board Engineer and the Planning Board Attorney. The site plan shall not be signed until the Planning Board Engineer has reported to the Chair that all conditions of this resolution required to be satisfied before the site plan can be signed have, in fact, been satisfied.

Outside Agency Approvals

2. The applicant shall secure all necessary permits, approvals and authorizations required from all other agencies, if required.

Stormwater & Construction

3. The Applicant shall obtain coverage under the NYSDEC General Permit for Stormwater Discharges for Construction Activities in effect at the time that the Applicant obtains such coverage (the "SPDES General Permit"), and proof of coverage shall be provided to the Planning Board prior to the release of the signed plan.
4. The Applicant shall prepare and submit a Stormwater Facilities Maintenance Agreement to the Village Attorney and the Village Engineer for their review, and upon their approval, shall execute and record the agreement with Orange County Clerk's Office, and provide proof of such recording.

5. Construction completion guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Village of Harriman in its approval of the stormwater pollution prevention plan and the overall project in accordance with 74-5(G(2)(g)), the applicant or developer to provide, prior to the Chair affixing her signature on the site plan, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Village of Harriman as the beneficiary. The Applicant's engineer shall prepare a cost estimate for all improvement and submit same for review and approval by the Village Engineer. The security shall be in an amount to be determined by the Village of Harriman Village Engineer based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Village of Harriman, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facilities have been constructed in accordance with the approved plans and specifications and that a one-year inspection has been conducted and the facilities have been found to be acceptable to the Village of Harriman.
6. Maintenance guarantee. The Applicant, prior to the Chair affixing her signature on the site plan, shall provide the Village of Harriman with

an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Village of Harriman may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

Inspections Escrow

8. Escrow for construction inspection and stormwater inspection will need to be posted for the project. Escrow for construction inspection shall be established pursuant to Section 74-5G(2)(g) of the Village Code. Escrow for stormwater inspection shall be established to allow for monthly stormwater inspections by the Village Engineer.

Water

9. The project will connect to municipal water from the Village of Harriman. A new watermain will be run from the Project Site to the nearest connection point in NYS Route 17M. The Project Site is in the service district and capacity has been found to be adequate to serve the Project. Final design and connection details will be reviewed and coordinated with the Village's DPW superintendent. Disturbance to the State Right of Way will require a permit from the NYS DOT.

Sewer Main

10. The project will connect to Orange County Sewer District #1. A permit from that agency will be required.

Lot Merger

11. The Applicant shall merge the two tax lots prior to the Chairwoman's signature on the approved site plan.

Bayswater Findings

12. The Planning Board has determined, based upon the present and anticipated future need for park and recreational facilities in the Village [as calculated from projected population growth to which this development will contribute], that parklands should be created as a condition of approval of this site plan. However, because parks of size adequate to meet the Village's requirements cannot be properly located on the site plan, the Planning Board, pursuant to Section 7-730(4) of the Village Law of the State of New York and Section 74-5D(2) of the Village Code, requires that the applicant deliver payment, by cashier's check or certified check for each of the 48 residential units created by the project in lieu of dedication of such required parklands to the Village before the Site Plan is signed.

Payment of Fees

12. This approval is further conditioned upon the applicant delivering (prior to signing of the plan) proof, in writing, that all fees—engineering, planning, legal and otherwise—in regard to this project

have been fully paid. The plan shall not be signed until proof, satisfactory to the Chair, has been presented showing that all such fees have been paid and escrow deposits made.

Ongoing Conditions of Approval

Architectural Approval, Outdoor Fixtures & Amenities

13. Architectural designs have been provided and reviewed by the Planning Board. The Board has determined that the design provided are consistent with the character of the area and will mitigate visual impacts.
14. Architectural drawings shall carry a certification that what is shown thereon is fully consistent with the approved site plan. No building permit shall be issued authorizing construction of structures inconsistent with the architectural renderings submitted to, and approved by, Planning Board as part of this approval, nor shall any certificate of occupancy be issued for any structures constructed except in conformance with such renderings.
14. This site plan approval allows construction of only that which is shown on the plans identified above. No amenities or accessory structures or outdoor fixtures—including but not limited to walls, mechanical units, dumpsters, etc.—may be constructed, placed or erected except as shown on the approved site plan.

SEQRA Mitigation Measures

15. Each and every mitigation measure identified in the Negative Declaration previously adopted for this Project shall be undertaken by the Applicant and are conditions of this approval as though set forth fully herein.
16. Onsite mature tree clearing has been restricted to November 1st to March 31st to avoid the sensitive roosting period for Indiana Bats. A map note to this effect has been added to the site plan.
17. All erosion and sediment control practices will be installed prior to other site disturbance and maintained throughout the construction phase of the project.

Narrative as Limit of Use

18. This conditional final approval is for the construction and operation of two multi-family development buildings with 48 apartment units, a fenced play area and associated parking on a 3.88-acre site as shown on the site plan. This site plan approval shall serve as the outer limit of all of the activities that can be carried out on the site without amended approval being sought and granted. In the event that other uses are proposed then the Applicant shall be required to return to the Planning Board for amended site plan approval.

The Applicant shall submit proof of satisfaction of the foregoing conditions and submit a site plan for signature within one year of the date of this resolution.

A FAILURE to comply with the conditions above in a timely manner shall result, without further action, in a lapsing of this approval.

Upon motion made by Chairwoman ESCALLIER, seconded by Member KLARE, the foregoing resolution was adopted as follows:

Member, Juan Quinones	_____
Member, Ronald Klare	_____
Member, Elban Rivera	_____
Member, Neil Murphy	_____
Chairwoman Irma Escallier	_____

Dated: February 26, 2024
Harriman, New York

Irma Escallier
CHAIRWOMAN

I, Jane Leake, Clerk of the Village of Harriman, hereby certify that the foregoing Resolution was filed in the Village Clerk's Office on _____, 2024.

JANE LEAKE, CLERK
VILLAGE OF HARRIMAN