



Village of Harriman

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**PLANNING BOARD MEETING
FEBRUARY 24, 2020
7:30PM**

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES JANUARY 27, 2020**
4. **44 NORTH MAIN ST LLC**
102-2-2
SITE PLAN

**THE NEXT PLANNING BOARD MEETING IS SCHEDULED FOR
MONDAY MARCH 16, 2020 AT 7:30PM
SUBMISSION DEADLINE FOR THE PLANNING BOARD MEETING IS
MONDAY MARCH 2, 2020.**

VILLAGE OF HARRIMAN PLANNING BOARD MEETING
Regular Meeting
February 24, 2020

Chairwoman Escallier opened the Village of Harriman Regular Meeting of February 24, 2020 at 7:30pm.

PLEDGE OF ALLEGIANCE

ROLL CALL:

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

Absent: Board Member Juan Quinones

MOTION was made by Member Klare to accept the Planning Board minutes of January 27, 2020.

SECOND was made by Member Kelly.

AYE Member Klare

NAY: -0-

Chairwoman Escallier

Member Kelly

44 NORTH MAIN STREET

102-2-3

SITE PLAN

Present: David Niemotko, Architect

Mr. Niemotko: It's been a year since I've been before you, I was waiting for the Len Jackson engineering specialist to do his flood impact reports, which we've submitted. We're happy that it had a favorable response. I received John's (Russo) comment letter, I appreciate it, and we had a chance to review it. Some of them are mainstream and I do have a few that I would like to focus in on. I can do that now or I can answer any questions that you have about the project.

Chairwoman Escallier: Let's start with our concerns. Jim, you're the one who lives in that vicinity, do you want to start?

Member Kelly: I noticed that the office is going to be raised up quite a bit, so you're bringing in a lot of fill? To elevate the building. It's quite a bit of fill.

Mr. Niemotko: Along the back of the property, yes. To elevate the finished floor, yes. In the back, approximately 8-9' from the creek in and across the whole back we have to bring in fill.

Member Kelly: Regarding the drainage, I see on the sides, what are they John (Russo)?

Mr. Russo: They are underground infiltrator systems that they are proposing. The drainage goes into those different types of units. There are all different types, every manufacturer makes their own product. It allows for the storage of stormwater as it runs off the site and it eventually infiltrates into the ground.

Member Kelly: It does store it though?

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Mr. Russo: Yes, it stores it and then allows it to infiltrate over time.

Member Kelly: Ok, because we've had some heavy rains there and it's caused a lot of flooding in that one area.

Chairwoman Escallier: I saw it when Hurricane Sandy came through and it took months for the water to recede.

Member Kelly: Some of the questions that I have are pertaining to the drainage and what the change of the flow would be with that rain coming in how will that affect the flow of the river and the impact. I don't understand it enough, I've looked at it and looked at your notes, I'm not an engineer, you are, and I depend a lot on what you tell us. I envision this office building with 27 offices, they re going to be individual offices?

Mr. Niemotko: Initially yes. You're approving this as a commercial office building. We're not proposing any storage in any sense of the word.

Member Kelly: That's what I'm asking. You're partitioning it off for individual offices? Will you have a tenant before you build it?

Mr. Niemotko: Yes, individual offices. A tenant may take 2000 square feet, for example and the offices that would be included in that space. I don't now if there will be tenants before construction.

Member Kelly: Right now, you're building 27 separate offices?

Mr. Niemotko: Correct.

Mr. Russo: Is it going to be built to suite? As far as along the corridors? I understand that you're going to have mechanicals, bathrooms, and hallways. But off of the hallways is it going to be finished out or unfinished until you get an applicant that comes in requests a particular amount of space.

Mr. Niemotko: As far as I know from the owner, there aren't any tenants, there aren't any users who have been contracted to lease the space. The building is not so large that it's not confined or constrained from certain functions, like we show on the floor plan. There are center core bathrooms, a hallway that goes around it, you have to have an egress stairway to go out so those are inherent to this size of a building. I don't see that changing at all, given the building code aspects of it. The zoning code has other criteria associated with it, You would walk in, there's stair going up to the second floor, clear story, offices around, in the middle there's core bathrooms and a mechanical room.

Member Kelly: There's no elevator?

Mr. Niemotko: It's not needed for a two storied building of this size. If the building were bigger, and other design factors were involved, then an elevator would be needed.

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Member Kelly: You refer to the owner, obviously he's done a study of the area to think that he can sustain 27 tenants in an office that he's going to spend quite a bit of money to build.

Mr. Niemotko: I'm being told that he's comfortable with building it, with the real estate market and commercial real estate agents that have been involved with him are comfortable with the building going up and it would be used.

Member Kelly: Sometimes when we sit here and you come before us, couldn't the owner come in and explain because you're answers are the best that you can but you're not answering them as somebody who would with the plan in their mind with what they want to do. Is it wrong to ask for the owner to come and sit with you and explain what he's envisioning? I would like to see him and get his opinion on some of these things.

Mr. Niemotko: Obviously what we show on the plans has been approved by the owner. Quite honestly, once the shell of the building is built and people can see it, then it creates activity. That's why it's called speculation, the owner's at risk. He's going to pay the fees and services associated with designing this project, which has been substantial up to date. He's prepared to build it on speculation based on the fact that someone would come.

Member Kelly: Sometimes when the owner comes to the Board, it gives us a better picture. We have the owner of the property, almost all of the time, come in and explain, this is what I want to do. It gives us a feeling of understanding what he's trying to accomplish and what he feels because most of the consultants who have come before have had the owners come with them. The owner would answer some of the questions that you can't answer, and you'd help him in certain ways with other questions. I'm not looking for anything, just to have somebody who is doing the speculation to come in and tell us this is what I really want to do. I envision something positive for the community.

Mr. Dowd: I don't know if David (Niemotko) or the owner can answer this because it is on spec. It could be one law firm and take the whole first floor. Or it could be 24 different office people coming in and renting office space. That's why they call it a spec building because they really don't know but they think that they can fill it.

Mr. Hager: Is the requirement based on no elevator with the Building Code, that medical office on the second floor is prohibited?

Mr. Niemotko: Offices can be on the second floor but not for medical facilities, this would have to be redesigned to accommodate that. There are other building types that would not comply with this. Right now, it is commercial offices.

Member Klare: If you have medical on the second floor, don't you have to have an elevator for the handicapped?

Mr. Niemotko: Yes, that's what I meant. Let's say for instance a year after we receive the permits, a tenant comes along wanting to lease the whole second floor and it's a doctor's office, then we would have to come back before this Board and ask for approvals for a medical facility on the second floor. I think that also changes the parking calculations. It would change the building code. So, we would have to go through the process again.

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Member Klare: Won't the wetlands affect the parking?

Mr. Niemotko: The wetlands are established.

Mr. Russo: I don't think that you're going to be able to change the parking beyond what they are proposing now because they're doing the remediation on the one side. You're still waiting for Army Corp to respond to that?

Mr. Niemotko: No, on our last submission, we received the NWP, the approval letter. It's been a while. The owner hasn't started work on it. Once he's ready to start work on it, he has to give notification to Army Corp, but we do have our NWP number.

Member Kelly: He's covered on the parking spaces, even though two of them are not really parking spaces.

Mr. Russo: There's three spots where it's labelled wrong as far as the number that's present. They may have existed at one point and they may have changed it and not changed the number that's presented. I have concerns with two others along the westerly wall, being able to get out of that, especially given the direction of flow. Are you still having the leveler?

Mr. Niemotko: No, the leveler has been removed.

Chairwoman Escallier: That's good, because the leveler provided different points. Noise was a problem and you didn't get back to us with the decibels. I was told that it would be contained within the area but to me it wasn't necessary at all. Mr. Russo had explained to you that there really wasn't a gap there to have it. The other reason was that it was in the rear of the building and anything going in and out should be visible from the front. The other issue that I have is this rendering. This is something that belongs in one of our industrial zone, the ICC section where you can build whatever you want, height that you want, but this design doesn't belong in our residential neighborhood. It's too commercial. This is not meeting the code requirement that it fits within the neighborhood, chapter 140-45. The character and appearance of the proposed use, buildings shall be in general harmony with the character and appearance of the surrounding neighborhood and this does not fit that in this neighborhood. It will fit perfectly in the ICC. We are at the point where there's an application to go through this FEMA process. The other thing that I thought was important, is you're showing us a new current plan and you're not following Mr. Russo's request that you indicate the lines that are on there. It has the FEMA floodway on there, and Mr. Russo told you that you had to provide three different lines, the 100-year floodplain line, the floodway line, and the 500-year flood plain line. And that needs to be on the site plan.

Mr. Russo: I think that the floodway line is here but not the 100-year floodplain line. All that you're showing now is the FEMA floodway lines. It has to be shown on the plans.

Chairwoman Escallier: If he goes to the Village to have this work done and he doesn't have the right site plan to begin with.

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Mr. Niemotko: The supplemental hydrological analysis report identifies all of the plains and floodways. We can put that on the site plans.

Mr. Dowd: On the January 14, 2019 letter to us, page one, it states that jurisdictional determination is pending from the Army Corp of Engineers. If you have received that, we don't have it. If you have it, you just need to provide it to us.

Mr. Niemotko: We have a revision date on the site plan of 2/11/2019. No problem, I will get that to you.

Chairwoman Escallier: The note that was on Mr. Russo's review was dated August 17, 2018, comment #4 states, the floodway, the 100-year floodplain, and 500-year floodplain shall be added to the site plan.

Mr. Russo: If you would transfer the information to your site plans.

Mr. Niemotko: That's not a problem.

Mr. Dowd: I noticed that on the plans you had shown a revision date but there were no correspondence with that date.

Chairwoman Escallier: I see that you sat down with our Building Inspector and started your application and paid the fee for the FEMA review.

Mr. Hager: That's what generated that report. The application was made, reviewed. It came to light that the project is partially located in the floodway so the applicant was advised that they needed to indicate that on their application and that's what triggered the hydrological report from Leonard Jackson.

Mr. Russo: Right, I had written a letter dated February 25, 2019 that I had sent to the applicant.

Mr. Niemotko: That worked out really well. We had the analysis report done.

Chairwoman Escallier: You needed that in order to continue your application to the Village Board and to meet with the Mayor with regard to the project. I would like to know how this proceeds. Everything should be submitted to the Village now.

Mr. Russo: The first thing that you should do is meet with the Mayor. In the Village Code section 82-14, B-2, which started the whole analysis done, states, On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 82-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless: (a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or The Village of Harriman agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received, and the applicant provides all necessary data, analyses and mapping and reimburses the

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Village of Harriman for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of Harriman for all costs related to the final map revisions. So you do have changes, you will need to approach the Village. Your analysis will have to be submitted to FEMA for revisions to the mapping.

Chairwoman Escallier: They're going to be responsible for doing that and they're going to pay the fee up front.

Mr. Russo: They're going to have to pay for everything, the application fee, whatever it's going to take on the Village's behalf, provide all materials. The Village may require an escrow up front but they'll be able to find out when David's (Niemothko) going through the process. Or if you're going to have Leonard Jackson go through the process.

Mr. Niemothko: Leonard Jackson will be doing that, he's the expert.

Mr. Russo: Leonard Jackson will be able to find out all of the application fees, and everything. It just maybe that they come to the Village Hall to have a few forms signed.

Chairwoman Escallier: So, he's meeting with the Mayor and the Village Board, goes through the process.

Mr. Russo: And it says, "or" the Village of Harriman agrees to apply. The Village has to agree to apply for this otherwise the project dies.

Chairwoman Escallier: I was going to ask you if you could have the owner come to the meeting if the leveler was still an issue but since the leveler is no longer an issue, there's no need. Regarding the comments, do you prefer to do them outside of the meeting?

Mr. Russo: If you have a few significant ones you would like to address, otherwise we can meet outside of the meeting.

Mr. Niemothko: I basically agree with most of the comments and we'll make the revisions on the plans. The biggest one for us, was the one you just spoke about. On the grading and utilities comments, we hired John Petroccione to do that and all of that is outlined on his plan, SP-3.

Mr. Russo: You're calling it a grading and utility plan, the utilities should show,

Mr. Niemothko: I have no problem with that although the plan does get congested so if I can I would like to leave that as a grading plan and not repeat the items from his plan onto our plan. Or vice versa, it just gets congested. If you want it, that's not an issue, we can do that.

Mr. Russo: If you want to leave it on page 3, I'm fine with that but on SP-2, on the grading and utilities plan, there should be a note referring you to SP-3, to see utilities for drainage.

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Mr. Niemotko: Ok, that's not a problem. Continuing with the comment regarding the interconnection of utilities near Beatty Circle, how do we go about that?

Mr. Russo: At the Village Hall, you can review the Planning Board file for Beatty Circle, They are doing some widening of that road, some utility work going on. I want to make sure that it's all coordinated so you're not installing stuff where they're installing stuff.

Mr. Niemotko: Another comment on the grading and utilities, one way to address this comment is a trench drain across the driveway connected to the nearest catch basin or nearest inlet.

Mr. Russo: Another way would be to slope back and slope back up again. I'll leave it up to you. Trench drains should not be in the Village's right of way, but I think overall you may be better with the grading because with trench drains, the grates break, it could become problematic over time or more maintenance. Whichever way your client wants to do it. My concern was water from the parking lot running out onto the road. That will also have to be looked at by Mr. Petroccione because now you're bringing in additional waters into the site.

Mr. Niemotko: My last comment, regarding the slab that's elevated above grade. We'll continue the foundation, just like the building. We're not going to continue the retaining wall.

Mr. Russo: You have significant amount of fill coming into the site. We want to know the fill material that's being brought onto the site, are there any gradations that you're providing for this fill. Also, lift sizes, compaction efforts, is the testing lab going to be there to monitor all of this? My other question is regarding the infiltration systems proposed but now you're filling the site and compacting it, how do you propose to infiltrate if you have compacted soils? That might change what you're proposing on site.

Mr. Niemotko: I don't have that answer right now, we've passed that comment along to our experts so I'm hoping to have an answer for our next submission.

Mr. Russo: The only other thing that I would like to bring to the Board's attention, is the dumpster enclosure. The details note that the vinyl fence will have green around it, I think that you should weigh in on that. Also, the vinyl slats.

Member Klare: We want something that will blend in with the building.

Member Kelly: Does this sit in the back of the building?

Mr. Russo: No, it's off to the side.

Discussion broke out regarding the fence, its purpose and color.

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Member Kelly: Another topic I wanted to discuss was the lighting and make sure that the light is staying on the property and not spilling onto the road or neighboring properties. We don't want the lights from this commercial property spilling on to the residential properties nearby.

Mr. Russo: They have a lighting plan in the site plan, photometrics showing where the lighting will be. I also made a comment on that because there is some light spillage to the right of the project onto the Village's property. There's supposed to be no light leaving the site. They have to adjust that. At one time I thought David (Niemothko) said that the lights would be on a timer?

Mr. Niemothko: That sounds good.

Mr. Russo: There was another comment that I had about the retaining wall being 8' high. Maybe you should put some landscaping on the one side to visually break looking at a concrete wall.

Mr. Niemothko: Two-foot-high shrubs? Four foot high? What type of landscape screening would you like on the east side of the retaining wall? It's an 8' to 9' difference in elevation.

Member Kelly: Not rhododendrons.

Mr. Niemothko: Maybe a 4' high Blue Spruce?

Chairwoman Escallier: That works.

Mr. Niemothko: The stone wall that's part of the Village's, do they want to remove that from the property?

Mr. Russo: You would have to ask the Village about that. Looking at the map and the drawing, I couldn't tell if the stone wall was on your property, the Village's property, or where it actually lies. I noticed that there was a note that it was to be removed, where it was in conflict. If it's on the Village's property, or if you're doing any work on the Village's property, you're going to have to get the Village's approval first.

Mr. Niemothko: We'll ask the surveyor to survey the limits of the wall to get a further idea where we are.

Member Kelly: Some of the lines on the plans aren't always clear, some are blurred.

Mr. Russo: There are one or two comments I have made about certain lines; I wasn't sure what they represented.

Mr. Russo shows Mr. Niemothko the lines in question.

Mr. Niemothko: We will continue addressing these comments and, in the meantime, set up a meeting with the Mayor.

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Member Kelly: Are there going to be deliveries made to the building?

Mr. Russo: It would be like any other office building, UPS, Federal Express. The only other time that there would be deliveries would be moving furniture into the building.

Mr. Niemotko: We eliminated the loading area.

Mr. Hager: Is there any signage designed for this site?

Mr. Niemotko: We're not doing a landscape monument design; it would be building mounted.

Mr. Hager: The elevation drawings that you have, the building is definitely going to be under the 30' so they don't have to worry about the aerial fire apparatus? The roof is going to be flat? Will there be any mechanicals located on the roof?

Mr. Niemotko: The building is under 30', we have the fire access across the front. The roof is flat and the mechanicals will probably not be on the roof because we should have room underneath the first floor.

Discussion regarding the traffic signage and traffic flow on the site.

Chairwoman Escallier reminds Mr. Niemotko to review Village Code 140-45 regarding the architectural design of the building.

Mr. Niemotko: We will make an appointment to speak with the Mayor, and the Village Board. I am going to ask Leonard Jackson to be at that meeting as well because he can further and in more detail describe the functions of the creek.

The Board members spoke of their pleasure with the house being built on Beatty Circle and the progress being made with the opening of the Heritage Trail in Harriman.

MOTION was made by Member Klare to close the Planning Board meeting of February 24, 2020 at 8:25pm.

SECOND was made by Member Kelly.

AYE Member Klare
Chairwoman Escallier
Member Kelly

NAY: -0-

Respectfully Submitted: _____
Barbara Singer, Recording Secretary