

**VILLAGE OF HARRIMAN PLANNING BOARD MEETING**  
**Regular Meeting**  
**January 28, 2019**

Chairwoman Escallier opened the Village of Harriman Regular Meeting of January 28, 2019 at 7:30pm.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

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

**MOTION** was made by Member Klare to accept the minutes of December 17, 2018.

**SECOND** was made by Member Stanise.

**AYE** Member Escallier

Member Stanise

Member Klare

Member Quinones

Member Zwarycz

**NAY:** -0-

**RIGHT CHOICE BUILDERS INC**

**101-2-1.12**

**REVISED SITE PLAN**

**Present:** David Niemotko, Architect

Mr. Niemotko: We received your comments regarding this project and so we went through them, most of them are easily addressable. How would you like to proceed?

Chairwoman Escallier: Why don't you give us a synopsis of where you are with this project.

Mr. Niemotko: Since our last meeting we received the 239m referral comments from the Orange County Planning, which weren't really applicable to this zone, we received approval from NYS DOT and we're waiting for Orange County Sewer. While waiting for those, since Orange County Sewer has been taking quite a while, we have asked to come back before the Board to hopefully move on to Public Hearing. We received your comments dated January 25<sup>th</sup>, they were technical in nature and we have already addressed them today in the office. I have questions on two of the comments but other than that, the project really hasn't changed that much since the last time that we presented to you. Unless there's a comment that you would like to discuss further, we would hope that the Board would agree to go to Public Hearing and get the public's comments in because there's really nothing in the project that's going to change substantially, even in a minor sense.

Chairwoman Escallier: I have one comment, when we were here last in September we talked about the illumination, you said fine, we'll get that corrected and we will abide by the Harriman Code. We talked about joining the extra storage unit that stood alone, so that there were eight storage units and eight offices, and you said fine and that was corrected on the plans. We talked about the notes and we all approved the notes that John Hager had prepared in preparation of the site plan being completed which was Mr. Dowd's first question. You said that it was imperative that we get this to the agencies. So what happened was the illumination got corrected, the placement of the offices got corrected but the notes never got added onto the plans and in that meeting I was left with the impression that's what you were going to do because you said at that meeting we'll put those notes on the plans and have three new sets brought back here because we wanted to send them to the agencies. But the

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*notes never got on there, so they received everything on your side, but they didn't get any input from us. When it went to the agencies, our comments weren't on. When I looked at this site plan that you brought in, I'm looking for the notes, he said that he was going to update the notes and they're not here. I was so amiss that I asked Barbara to give me the audio recording of the meeting, and I listened to it. After you said that you were going to do it, then you said something different, that you'd do it for the next round. So it was like two conflicting stories and it's not on there. That's my comment. So, I would like to know from Kevin, how to remedy that. Do we have to resubmit it at the time when we get everything finalized or do we send a letter to the agencies to have our input?*

*Mr. Dowd: This application has not gone to a public hearing yet and we did distribute to the agencies and we did get reviews from the other agencies on their issues. I think that this can be corrected with plan changes or notes that we insist on before final approval. I don't think that any of the notes that we have really would necessarily affect what the agencies are talking about.*

*Chairwoman Escallier: I agree.*

*Mr. Dowd: They're really outside the parameter of the other agencies. They are really the parameters of this Board. If the Board insists that those notes be put on, then they'll be put as part of the final approval of this application.*

*Mr. Russo: I thought one of the things that we were going to do was discuss this because they even got updated this month.*

*Mr. Hager: We had discussed adding one more comment, making it eleven comments. The other ten were discussed and approved at the September meeting.*

*Chairwoman Escallier: Unanimously.*

*Mr. Russo: I don't have a problem with number eleven, which reads, each rental area shall be subject to Building Department inspection for Fire-Safety compliance upon occupancy and subject to re-inspection upon change in tenants, or periodically as prescribed by State and local building codes. Failure to schedule such inspection upon change in tenancy shall constitute a Violation.*

*Chairwoman Escallier: Do you have any comments or objections?*

*All members agree with the comments.*

*A copy of the notes is given to Mr. Niemotko.*

*Mr. Niemotko: We will put this on SP-1.*

*Mr. Russo: Comment 1 states that this project is a special permitted use. Since the Code changed, it's no longer a special permitted use. It is going to require that the title on the plans change.*

*Mr. Dowd: The use that you went to the ZBA for is no longer a use in the Zoning Code as a special permitted use. They now call it private storage and it's an accessory use in the B-1 zone and therefore it's also allowed in the B-2 zone. The plans should say "New Office Building with Private Storage Accessory Use".*

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*Mr. Russo: Most of the comments that I have are minor in nature. Most of the significant ones you've corrected. There are some corrections that still need to be accounted for on the plans as far as grading. There was a mis-scaling that appeared on enlarged driveway entrance plan to the original size plan that needs to be corrected. Some of your drainage may need to be shifted. I know that you're putting a bend in to avoid a retaining wall but simply shifting a structure up the hill you can eliminate a bend in the line.*

*Mr. Niemotko: We were going to do that, but it will change the profile. We did a quick schematic today at the office, after receiving your comments, moving it up doesn't seem to interfere with the topo surface of the pavement. We will do a new profile of that.*

*Mr. Russo: It will change the profile; the pipe coverage should be fine. You had sufficient coverage before, you're only coming up 9' with the structure. The idea is to avoid bends in the pipes because we don't have access to them. Some adjustments need to be made on the water line as it crosses the road and comes to the entrance of the site.*

*Mr. Russo and Mr. Niemotko discuss the pipes into the building and to the hydrant and the drainage easement.*

*Mr. Niemotko: Other than that, the other comments are easily addressed.*

*Mr. Russo: The only other comment is the separation distance that you have between the water service line and the storm drainage line.*

*Mr. Niemotko: We are going to be able to get to 10'. And we will change the profile accordingly.*

*Chairwoman Escallier: At submission date, when the site plans are dropped off, the notes have to be on there otherwise we can't go to a public hearing.*

*Mr. Dowd: You can have the public hearing. The purpose is for the public to comment on the project, the use and the generic. Some of the more specific things will have to be finalized before you sign the plans but as long as all of the notes are on there then.*

*Chairwoman Escallier: Can you have all of the notes on the plans before the next submission date?*

*Mr. Niemotko: Absolutely, we can have these changes made before the next submission.*

**MOTION** was made by Chairwoman Escallier to set the Public Hearing for February 25, 2019 at 7:30pm.

**SECOND** was made by Member Klare.

**AYE** Member Escallier

**NAY:** -0-

Member Stanise

Member Klare

Member Quinones

Member Zwarycz

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**44 NORTH MAIN STREET**  
**102-2-3**  
**SITE PLAN**

**Present:** David Niemotko, Architect

*Mr. Niemotko: We were able to submit a response to the prior list of comments included in that were the architectural plans and the rendering of the building and its appearance, so we hope that you've had the opportunity to look at that. We did receive the Planning Board and John Russo's comments from January 25<sup>th</sup>. We have had the opportunity to look them over.*

*Chairwoman Escallier: When I look at the rendering, I think it looks too industrial. It looks like it's level with the street. Are the windows clear glass? Or tinted glass? And I would also like to see the side view.*

*Mr. Niemotko: From the street to the front of the building it slopes up somewhat. The windows will be tinted, for sure, but not opaque. We will provide a rendering from the west side looking across, that's not a problem.*

*Mr. Russo: That was a comment that I had because I think the Board is going to want to see your loading area.*

*Mr. Niemotko: It's going to be a dock leveler, not a loading dock.*

*Mr. Russo: But the idea is to see it visually.*

*Mr. Niemotko: That is not a problem.*

*Member Quinones: How about the handicap parking?*

*Mr. Russo: They're not representing it there, but I believe there are three stalls.*

*Mr. Niemotko: We lowered the building to eliminate the vertical lift that we had proposed, the ADA entrance. Now everyone can enter the building from the sidewalk.*

*Member Klare: You have the loading dock in the rear?*

*Mr. Niemotko: No, it's a dock leveler. A truck can pull in there with office supplies, furniture, things that are needed and the dock leveler moves up and down to meet the elevation of the back of the truck. We mislabeled a room on SP-10 which shows what we're proposing as offices, we show a loading area and next to that a loading dock office. That is not correct, that is just an office and the door swing will be reversed to show that. There will be no need to have a receivership, loading dock steward or anything else like that. We just received correspondence from the Army Corp of Engineers which clarifies some of the things that we're addressing. I'm thinking we are going to have to go one more round with them and you should have the letter of determination by*

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*then. We did receive a letter from the Fire District, basically they approved it and we'll submit it with our next submission. Orange County Sewer we did not submit to them directly.*

*Mr. Dowd: We didn't even start the SEQRA process yet so that could be how we start that.*

*Mr. Niemotko: The other items that the Board and John listed, we have addressed. Regarding the underground stormwater facility, I have your notes on the elevation, our sub-consultant doesn't have a problem with that. In reference to the top soil stockpile, what we would like to propose is putting it in the west corner of the property during construction and then having it removed before paving the driveway.*

*Mr. Russo: that would be great, we just want to make sure that it's far enough away from the river in case it rises, nothing goes into the river.*

*Mr. Niemotko: The SWPP we're having a subconsultant review those comments, I don't see any issues with that. Basically, the comments are correct, and we will address them.*

*Chairwoman Escallier: My question was about the dock leveler, I really didn't see the need for it. I wanted to know if there was an alternative to it. Will it be chain operated or hydraulic?*

*Mr. Niemotko: Probably hydraulic.*

*Chairwoman Escallier: In that part of Main Street, is one of the quietest places in the Village that I know. When you're driving or walking along there you can't hear anything but your vehicle or a bird, it's very quiet. And that's going to cause a noise disturbance. And there's residential across the street. I was wondering, if perhaps, that large opening that you want can be put on the side of the building. I don't know, I'm just trying to figure out which way it wouldn't impact noise-wise, the Village.*

*Mr. Russo: Now that you've lowered this building down, do you still need a dock leveler?*

*Mr. Niemotko: We don't even have a basement, it's a slab up there. It's something that the owner wants.*

*Chairwoman Escallier: My objection to the leveler is that's it's going to be a permanent structure and it's going to be a permanent noise maker. It's going to impact people, especially the people right across the street. Frankly, I would rather see you walk in the front door. And a chain operated dock leveler would make more noise.*

*Mr. Russo: How much noise does a hydraulic dock leveler make? It really shouldn't be making that much noise.*

*Mr. Niemotko: I don't know.*

*Mr. Dowd: Can you find out what the decimal level might be? If it's operating during regular business hours, Monday through Friday.*

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*Mr. Niemotko: Sure, and it will be operating sporadically, at best. When a tenant moves in and out, it shouldn't be used that much.*

*Chairwoman Escallier: That's what I'm getting at, so why have the leveler at all?*

*Mr. Niemotko: I can understand your point, it is something that the owner has requested with their past experience of ruining the lobby or whatever the case may be. I can definitely discuss it with them, it's not closed. I will do some research on hydraulic dock levelers and the noise and make that part of our submission. There will be no basement.*

*Mr. Russo: In the Code 140-45C (1), the entrances have to be at least 100' away from any intersecting roads. So you are going to have to shift your entrances on this project. Presently, the east entrance is about 90' from Beatty Circle and the west entrance is about 80' from Beatty Circle. They will have to be shifted.*

*Mr. Niemotko: We appreciate you bringing that to our attention before we continue with our design. We did have the opportunity to do a sketch and I know that nobody has gotten a chance to review it, but I would like to pass it around if it's agreeable to you. You can just look at it. My goal in giving you this sketch is to show you that we will meet that requirement. It needs a little bit of tweaking because I didn't design it fully, but it does show that we can satisfy that zoning requirement. (Mr. Niemotko hands out his rendering to the Board, Building Inspector and consultants.) the lighter lines are what we have on the plans right now, the darker lines are what we would be proposing to satisfy the zoning code. We show the center of Beatty Circle, 100' off of each of the center line of the new entrances. The parking is preliminary, but it looks like we are able to get 24' wide entrances and we can still do an ingress on the right side and egress on the left side. We went from center line to center line. This is just for you to take an initial look, if you had any comments, I would appreciate it, if not we will develop this concept further in our next submission.*

*Member Quinones: There are no exit doors on the right side of the building?*

*Mr. Niemotko: We did our Building Code review, not Zoning Code so the architectural plans actually reflect the layout that would complying with the Building Code and be approved by the Building Department. The area of this building and the amount of stories allows us to egress through the lobby and with one additional egress which we show on the west side of the building. Per the Building Code, I do not have to have an egress door on the east side.*

*Mr. Russo: I'll leave that for you and the Building Inspector to discuss. Did you lose any parking space with this new configuration?*

*Mr. Niemotko: The numbering on the sketch leaves me to believe no, we're one over the Zoning Code. Our previous design, I believe that we were two over the Zoning Code.*

*Mr. Russo: I believe that you were required 56 spaces and you had 62. From what I see you have 58 now. You don't have to eliminate any, only to provide the minimum. What I was looking at, in the entranceway, the front row, possibly loosing one space as you come in on the east side, you could enlarge that island and have some plantings there.*

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*Mr. Niemotko: Absolutely. Also, can we look at the photometrics of the lighting? The consultant showed the 1' candle limit line around the site so the lighting that we proposed distributes 1' candle all within. Beyond that is a .5' candles and so forth. In response to the comment, is this kind of coverage satisfying the Code requirements?*

*Mr. Russo: On the east side you're extending beyond your property. That light may need to be shifted, shielding may need to be provided, or the intensity of the lighting.*

*Mr. Niemotko: Ok, that's fine. This consultant doesn't show lighting per pole, but how the whole site will be illuminated. He achieved good illumination across the whole site.*

*Chairwoman Escallier: Will there be an identity sign?*

*Mr. Niemotko: That will be on the building. At the moment, I'm being told no ground mounted sign, no monument sign.*

*Chairwoman Escallier: And you will discuss with your client leveler or no leveler? If you're asking me about noise or no noise, I'm going to go with no noise.*

*Mr. Niemotko: Yes, I will discuss this with the owner.*

*Discussion ensued regarding the dock leveler.*

**MOTION** was made by Chairwoman Escallier to declare the Planning Board's intent to be Lead Agency as an Unlisted Action.

**SECOND** was made by Member Klare.

**AYE** Member Escallier

**NAY: -0-**

Member Stanise

Member Klare

Member Quinones

Member Zwarycz

**DISCUSSION – COMMERCIAL STORAGE**

*Discussion broke out regarding definitions and concerns regarding the Village of Harriman Code.*

*Chairwoman Escallier: Is there anything else that anyone would like to discuss at this time?*

*Member Quinones: Today when I was leaving my home around 11-11:30, I saw 5 tractor trailers lined up from Superior Pack Group down to River Road. There's also the noise at 2-3o'clock in the morning, it's unbearable. It's affecting the entire community there. I think the noise is coming from inside the building.*

*Mr. Hager: I received a telephone call this morning about the tractor trailers lining up, but haven't heard any complaints regarding the noise*

*Member Zwarycz: You have to call the police, it keeps me up too.*

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*Discussion broke out*

**MOTION** was made by Chairwoman Escallier to adopt the new Planning Board application.

**SECOND** was made by Member Klare.

**AYE** Member Escallier

**NAY:** -0-

Member Stanise

Member Klare

Member Quinones

Member Zwarycz

**MOTION** was made by Member Klare to close the Planning Board meeting of January 28, 2019 at 8:40pm.

**SECOND** was made by Member Stanise.

**AYE** Member Escallier

**NAY:** -0-

Member Stanise

Member Klare

Member Quinones

Member Zwarycz

*Respectfully Submitted:* \_\_\_\_\_  
*Barbara Singer, Recording Secretary*