

**VILLAGE OF HARRIMAN PLANNING BOARD MEETING**

*Regular Meeting*

*July 20, 2020*

*Chairwoman Escallier opened the Village of Harriman Regular Meeting of July 20, 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 February 24, 2020.

**SECOND** was made by Member Kelly.

**AYE** Member Klare

**NAY:** -0-

Chairwoman Escallier

Member Kelly

**1657 MANAGEMENT LLC**

**102-4-10, 102-4-11**

**DISCUSSION**

**Present:** Steve Brown, Applicant

*Mr. Brown: We've been before this Board in January or February and we were not able to proceed because there was a strange zoning quirk that inhibited us from moving forward with the proposed plan that we wanted. We were able to petition to the Village Board with the help of this Board being very supportive of that, to get the zoning in a favorable way so we could have all RM zoning on these particular parcels. We have designed the new site plan to meet with the current zoning law so that it fits in with all of the RM zone. Mr. Russo has given us a full detailed letter and we agree with what you've stated. We are proposing two buildings on the property, 48 total units, the way the proposal looks right now, it's 16 one bedroom, 16 two bedroom and 16 three-bedroom units. We have complied with the 30% rule for one bedroom as part of the housing requirement for apartments in the Village of Harriman. We've been able to incorporate all of the zoning requirements as far as open space, play space. The full design has not been done yet. Before we went full steam ahead with the design, SWPP, we wanted to present to this Board.*

*Mr. Russo: As Mr. Brown said, we are looking at two buildings, on two parcels. The two parcels are going to be combined as one. Each of the buildings will have 24 apartments in them. Since the zoning change occurred, the Rm zone district can extend throughout the entire parcel to allow what is currently being proposed. The project will require Department of Health approval for the proposed water system, although I'm not exactly sure how the water system is coming through yet. Right now, it's just sketch plans, preliminary plans that they're showing you. They'll need approval from Orange County Sewer District for the sanitary connection, approval from NYS Department of Transportation for the entrance way, you may also need that for the utilities. I don't know where the utilities exist on Route 17M in this location, I fear it's on the opposite side. With that being said, all plans being prepared for Department of Transportation should be part of the plan set. All details, crossings, traffic control plan should also be part of this set. Boundary and topographic survey shall be completed of the parcels to accurately show metes and bounds of the parcel boundaries, current topography of the site and ownership of the adjacent parcels. The Board may wish to consider having a traffic study done of this, if so, the Board should determine who they would like to review the project on their behalf.*

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*Mr. Brown: If we could discuss that for a moment, I discussed this with our design engineer and we wanted to know if NYS Department of Transportation is the agency that has to give approval, we would like to ask if this Board would allow NYS Department of Transportation to decide whether a traffic study would be required or not.*

*Mr. Russo: It's actually up to this Board to make that determination and its part of SEQRA. It falls under this Board's purview to see if there are any impacts and how you would mitigate those impacts. Then Department of Transportation would follow through on that. The applicant would have a consultant do their traffic study and you, as a Board, would have to determine the traffic consultant that you would like to review it. Also, the SWPP will have to be prepared for the project. The applicant will have to approach the Village Board to ensure sufficient water capacity is available for the project. Question #14 on the EAF needs to be completed by the applicant.*

*Mr. Dowd: Should the applicant submit a long EAF? I see you have a lot of comments on the short EAF, maybe that would eliminate some questions.*

*Mr. Brown: Joe Phau, on comments 8 – 12, is taking care of that. On comments 13- 24, all of those items will be on the final design plans, we concur with all of that. Your comment #1, is to be determined where will pick up our utilities. We will probably have to bore under Route 17M.*

*Mr. Russo: Then you will be working with Department of Transportation and the Department of Health.*

*Mr. Brown: Comments #2 and #3, we concur with those. Comment #4, boundary, and topography survey, that's being worked on now. Comment #6, SWPP, we will be designing that.*

*Mr. Russo: Comments #8 – 12 have to do with the short EAF, it might be advisable to complete the long EAF. Keep in mind these questions need to be answered on that form as well. The plans need to show where the snow storage will be, it can't be in a parking stall. If you had more spots than required, you could designate those areas, but you have 104 parking stalls, and the project required 104, so there aren't any spare spaces. That will have to be figured out and also what your plans are for removal of that because if there are two storms back to back, that could become a problem. There's a dumpster by the play area.*

*Mr. Brown: We're going to slide that dumpster across to the other side.*

*Mr. Russo: The walking trail is a little steep. Also, the parcels are heavily wooded, from what I've seen from the aerial view, I don't know if that's the tree canopy or how dense it is under that.*

*Mr. Brown: Yes, we'll take care of the walking trail. It's not terribly dense, but it is wooded, I agree. I think your comment was, I think it might be nice to incorporate some of that.*

*Mr. Russo: Yes, but how are the residents going to be able to enjoy the trail. It just leads to the top, are you doing anything up there? Seating benches?*

*Mr. Brown: We'll put together a plan that's more comprehensive for that.*

*Mr. Russo: If the Board wants to consider more of a trail system or have it looping around the other side of the building. Or if you're using the same trail up and down.*

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*Chairwoman Escallier: Your recommendation for them to provide seating is great because they're climbing up. Is that going to meet the requirements of the open space?*

*Mr. Russo: The applicant is going to adjust that because that is a 33% grade. That is quite the hike for someone to get up there. I want to see it developed further.*

*Mr. Brown: We'll make sure that it meets those requirements and that's it's usable. Develop a trail so that you don't have to hike vertical.*

*Mr. Russo: Given the number of trees that may be coming down, landscaping, makes sure you're putting some trees back. The buildings need to be numbered for identification, Building #1, Building #2, for clarity, since you're staggering them. I really need to know what kind of retaining walls you'll be using. At one point, it's showing the wall to be 24' high. I am really recommending that you do tiered walls where it's going to be that high and put some landscaping on top, bushes or ivy to hang down, to break up the view of the wall. Nobody's going to want to look at a 24' high wall.*

*Mr. Brown: Where we have the room to do that, I'm sure that we will incorporate that into the plan. Obviously, we can't encroach onto the bordering property.*

*Mr. Russo: That's my other concern, for these height walls, I would not use a small segmental block wall. My other concern is whatever type of wall you use, if they recommend grid, realize that you have to go back that far again, and you may be impacting your neighbor. That's something that should be taken into account. This will all have to be signed and sealed by a licensed engineer. The swale line on the north side of the lower building should be extended around to the west side to intercept the stormwater runoff that's coming down the hill, possibly over that wall. We want to make sure that there isn't any water flowing to the sides of the building. Architectural rendering, along with floor plans need to be provided. The applicant should note what will be provided in the play area and note that this area is to be fenced.*

*Mr. Brown: Is there something that the Board prefers in the play area?*

*Chairwoman Escallier: It depends on what type of flooring you have. With swing sets, a lot of people are putting them on rubber mats, something that will cushion a fall.*

*Mr. Russo: Maybe rubber mulch.*

*Member Klare: In the play area, the ground has to be soft. It can't be concrete.*

*Mr. Brown: Definitely not concrete, I was thinking of something natural. We'll put something together for the Board to review on that.*

*Mr. Russo: Those are my general comments at this time. The applicant has a lot more to do with this project. Once they get further along, the comments will get more detailed.*

*Chairwoman Escallier: I think we should have a traffic study. It's been a long time since we've had one in the area. Not since Village View and Concord Park. What are the Board members thoughts about this?*

*Mr. Russo: I was sure that Right Choice Builders had a traffic study.*

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*Member Kelly: I am following the engineer's suggestion that we have two organizations do a traffic study, if that's what we decide. What has been the normal policy regarding the traffic? It is getting a little crowded over there with another condo complex. You moved the entrance much further over to the left which is close to the other exit. Now you have two condo complexes entrance/exit coming out close to each other. I don't know what that's going to cause. As far as the traffic study, you have to take into consideration that you have a next door neighbor who has a huge number of condos. I would take a recommendation from an engineer that we do need a traffic study. We really need to understand what's going on. There have been changes made in the zoning law to accommodate you, which we think was the right thing to do, but we also don't want to burden someone else with the traffic. The church across the street also uses their parking lot for commuters, it's not in heavy use right now, but it will be once we get over this pandemic.*

*Mr. Brown: If the Board requires a traffic study, then we'll do one. It's that simple.*

*Mr. Hager: There are 100 units in Harriman Woods but not all of them are occupied. Some of them are occupied by seniors. So the comparison is not 100% apples to apples. Not every occupant in those units have cars.*

*Member Klare: I think that we need a traffic study.*

*Chairwoman Escallier: I agree that there's a lot of traffic.*

**MOTION** was made by Member Klare to require a traffic study.

**SECOND** was made by Member Kelly.

**AYE** Member Klare

Chairwoman Escallier

Member Kelly

**NAY:** -0-

*Mr. Russo: Since you're doing a long form EAF, you can do that as part of the expanded Part 3.*

*Member Kelly: You've explained to us that the responsibility falls on the Planning Board for the traffic study.*

*Mr. Russo: The Planning Board decides whether you want to have the traffic study done or not. The applicant will have to hire a traffic engineer, have the counts done, the study done and the Planning Board would hire a traffic consultant who would be paid for by the applicant to review the study completed.*

*Member Kelly: I would also like to see what the project is going to look like. A picture of what you're envisioning what this project is going to look like. This would help us to make sure that it blends into the area.*

*Mr. Brown: Mr. Russo also mentioned that in his comments that architectural renderings along with some floor plans.*

*Mr. Russo: I think Member Kelly is looking for a site line view from Route 17M, what is that going to look like. A visual rendering of what it's going to look like from the road.*

*Member Klare: When you're driving by, what are you going to see?*

*Mr. Brown: Sure.*

*Member Kelly: Is there anything on the plans about the fire apparatus?*

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*Mr. Russo: There isn't any information regarding any utilities on the plan yet. Right now, it's just a sketch about a basic layout to get some input from the Board.*

*Member Klare: I am looking at the dumpsters and they appear ½ mile away from the apartments. If you have seniors living there, they will never make it.*

*Mr. Brown: We could move the lower dumpster enclosure closer to the building, in the other aisle.*

*Mr. Russo: Just make sure that the trucks can make the turn.*

*Mr. Brown: the truck would be able to come in, there's a 26' drive aisle, we could build that in and move that over 45'. That would put the dumpster within 30' of the building.*

*Member Kelly: You don't want it too close to the building, dumpsters can attract rodents.*

*Mr. Russo: It's not even just the rodents and the bugs but also the odors and any waste that may blow off. I made a comment on the upper one because it was next to the play area, which Mr. Brown has agreed to move. I didn't make a comment on the lower one because I do like the dumpsters further out from the buildings so that you don't have the odors, like on a hot day like today, the odors wafting over to somebody's window. I understand your concern Ron about people being able to walk over to the dumpster, but I have a bigger concern with the odors and the rodents getting to the building.*

*Member Kelly: Are you going to replace the trees in the front?*

*Mr. Brown: We will also have a full landscaping package that will be submitted.*

*Chairwoman Escallier: I will be looking at that, the types of trees, the heights.*

*Mr. Hager: I know that there isn't a sidewalk on the state highway but is there any accessibility requirement to tie in the sidewalks that serve the buildings out to the public street? You might want to have your engineer check out the accessibility requirements and find out. I know that the bus stops at Harriman Woods and with 48 more units here, I don't know if the bus would also stop there.*

*Mr. Russo: Harriman Woods doesn't have any sidewalks there.*

*Mr. Hager: They pre-date.*

*Chairwoman Escallier: The bus stops at Lexington also.*

*Mr. Hager: You just have to check the ADA requirements on that. If there were a sidewalk on Rte. 17M, it would definitely be required but without the sidewalk there, I'm not sure. You still may want accessibility down there just to catch the bus, even though there's not a sidewalk conveyance down at the highway. I believe the way that it's written is that's it's to the public thoroughfare. These are private roads, none of the roads are being dedicated to the Village, right? If it is required, I don't know what kind of a slope condition you have.*

*Mr. Russo: None of these are being dedicated to the Village.*

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*Chairwoman Escallier: That is a good comment to make because Concord Park had the accessibility for the bus stop.*

*Mr. Hager: Did they have to go all the way out to the state highway?*

*Mr. Russo: No, they went to Lexington Road.*

*Mr. Hager: I'm just bringing it up so that you can look into it while you're in the design process.*

*Chairwoman Escallier: It would be nice to have sidewalks being built but it's not a requirement at this time. You can look at the place where the buses pick up at Concord Park to get an idea of what we're looking for.*

**MOTION** was made by Member Klare to retain Maser Engineering to review the traffic study prepared by the applicant.

**SECOND** was made by Chairwoman Escallier.

**AYE** Member Klare  
Chairwoman Escallier  
Member Kelly

**NAY:** -0-

*Mr. Brown: As far as where we go tonight, I understand that we're going to be doing a traffic study, a full design with all of the design elements in your comments. We're not looking to do anything outlandish, obviously, we will make some nice, respectful couple of buildings there. These are not going to be too dissimilar to Lexington Hill or what the Fini's did in Chester. They are going to be reasonable three level buildings. We will do the long form EAF.*

*Chairwoman Escallier: I have a comment about finding out about the water flow, if there's any problems.*

*Mr. Russo: The applicant will have to do that eventually, I don't know what size the line is, I believe it is on the other side of Rte. 17M. You will also have to approach the Village Board about receiving water and what they're going to require.*

*Mr. Brown: John (Hager) have you had any insight with that with the Mayor? As far as our availability to put water on this?*

*Mr. Hager: No, I really don't. You need to find out the capacity in the system is available. You would probably need to have a meeting with the Mayor and the water personnel. As far as the line goes, I believe it needs to be extended because I think they left off at the fire house, where you would cross, I don't know. I think they would probably prefer to get the water line to the other commercial parcels and then cross closer to you. As far as I know, I think they left a branch in the watermain for a future extension by the fire house.*

*Mr. Brown: John (Russo) do you know what they are using for design criteria per unit for water?*

*Mr. Russo: It's 110 gallons per bedroom. The buildings will be sprinkled. You will have to find out what's available in the system, fire flows in the system, pressures and then start talking to your sprinkler engineer to find out what's necessary. Do they need an elevator for three floors?*

*Mr. Hager: I don't believe so, you can have your accessible units on the ground floor. There is a minimum required accessible or easily converted to accessible units.*

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*Chairwoman Escallier: And you're aware of the requirement on the height of the buildings?*

*Mr. Brown: We'll make sure that we're in compliance.*

*Mr. Russo: Your buildings have to be less than 40' in height. Realize how the Village measures, all the corners on the building and then averaged out. You have already stated that you're less than 40'*

*Mr. Brown: Is there anything further that the Board can do tonight to move this project?*

*Mr. Russo: It's all on you at this time. There's a lot more detailed information that we need from you before this Board can move forward.*

*Mr. Brown: I'll make sure that the design comes in much heavier on the next go-around.*

*Mr. Dowd: Since you're removing the lot line and making it one, we were discussing whether you need a subdivision approval or a re-subdivision approval or just a lot line change.*

*Mr. Russo: Some municipalities require it, whether you're changing a lot line or removing a lot line, they still require a subdivision plan to be filed.*

*Mr. Dowd: I'll check what the Code and get back to you.*

**VILLAGE VIEW ESTATES**

**101-1-1.-31**

**CONDITIONAL FINAL SUBDIVISION APPROVAL EXTENSION**

*Present: Larry Adler, Owner*

*Mr. Adler: I think that my attorney, Jay Myrow, had contacted Kevin (Dowd) at the end of May or early June.*

*Mr. Dowd: We didn't speak, he sent a letter.*

*Mr. Adler: He communicated with Kevin (Dowd) that since the pandemic happened, everything has been stalled. I think he asked Kevin (Dowd) in the letter, how do you want to handle this because of this unknown that we're in. I think that Kevin had made the recommendation to get on the next agenda. The meeting in June was cancelled and so we're here now. In terms of updates, John (Russo) at Lanc & Tully have signed off on all of the plans and specs. They've sent a letter back to Atzl, the engineers, on June 23, 2020 stating that their review is now complete because they addressed all of the comments and concerns that Lanc & Tully had. Shortly after that we submitted the applications to Orange County Sewer District #1 and the Department of Health for the water, sewer and subdivision. They went into the sewer district and Department of Health on July 13, 2020.*

*Mr. Russo: The Board needs copies of those submission letters.*

*Mr. Adler: Ok, and then I believe there was a Village Board meeting last week where Jay Myrow was talking to Dave Darwin (Village attorney) about moving forward with the drainage district. I called the Mayor's office but was unable to get in touch with him.*

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*Mr. Hager: It was definitely on the agenda; I was at the meeting. I think whatever it was that they were considering the Board was all in favor of it.*

*Mr. Adler: I think everything is moving forward, it's just that we're in a little bit of a strange period. I have spoken with Lee Burgess at the Department of Health and Bill Sherry at the Sewer District and they both understood that this project has been a while coming and we may be the benefit that there's not a whole lot going on and their reviews are going quicker. We wanted to formally extend it, if we could so we don't have to keep on coming back in this interim period until we get this done.*

*Mr. Russo: The only outstanding thing is Department of Transportation. You're bringing the water line along Rte. 17M. You're going to have to get a highway work permit and utility work permit. You need to start moving on that sooner than later because that could take a while. Those plans that you submit to the Department of Transportation with all the details of the work being done in their right of way, traffic control plans, that all needs to be made part of the overall plan set. This way when it's time for construction, everything is in one location. The site plan won't be changing, this is the off-site utilities. Since they're going along the Department of Transportation right of way, there's a lot more detailed information in course of what the Department of Transportation wants to see and that information should be made part of the overall plan set that we approve here. We don't approve the Department of Transportation's set, just like the water system. We don't approve it; the Department of Health approves it but it's part of the overall plan set.*

*Mr. Adler: So we're done getting plans approved by this Board, now we're getting a permit for the water, sewer and the highway work permit.*

*Mr. Russo: And all of that information needs to be incorporated into the final plan set that the Planning Board Chairwoman will sign off on. If Department of Transportation requests additional details be added, all that information must be complete on the plan set.*

*Mr. Adler: Ok.*

*Chairwoman Escallier: Last time Mr. Adler was here, I didn't have my notes on the entrance and this will be the last thing that you'll be doing but on the site plan that we have currently the entrance to the project is in the Town of Monroe. It doesn't fall under the Village of Harriman's restrictions. You have listed Giant Green Thuja, which is what you're planning on planting at the entranceway.*

*Mr. Adler: I thought they made it smaller. I thought last time you had asked for a smaller tree.*

*Chairwoman Escallier: The thing is, according to Town of Monroe code, and if you want to make a note of this, Section 57-41J and it tells you for a tree height it can only grow 10' high, which the Thuja is going to exceed.*

*Mr. Adler: I think that was addressed because I thought that was brought up at the last meeting.*

*Chairwoman Escallier: There's a specific curb distance, you really need to look at that.*

*Mr. Russo: This was brought up at the last meeting, but the Board hasn't seen anything since then.*

*Chairwoman Escallier: Since you have the Thuja on the plans, you have to change that to whatever you're going to use. There is a dwarf version, called Thuja Platica, also called the CanCan version. That's the only clarification that I wanted to make.*

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*Mr. Russo: In regard to the trees, I know that there were trees planted across the road from your entranceway. I believe that there were trees planted on the opposite side and that was done to block the lights so the people exiting the site wouldn't shine their headlights into the house across the road. There something would have to be done to make sure there's always foliage. Your plans did show something in that area.*

*Mr. Adler: I'm sure that's there's some evergreen or fir we can plant.*

*Mr. Russo: You're requesting an extension, how long of an extension are you asking for?*

*Mr. Dowd: I think a six-month extension.*

*Mr. Adler: I think that works, based on the initial input we received from the Department of Health and the Sewer District, I'm hoping that we won't be coming back for any more extensions.*

*Mr. Russo: The Board can't sign off until you have Department of Transportation approval.*

*Mr. Dowd: The extension would go from May, when this technically expired, until November.*

*Discussion broke out regarding the extension date.*

*Chairwoman Escallier: After November 1<sup>st</sup>, they can begin digging because from November 1<sup>st</sup> through March 31<sup>st</sup> is a period that the Department of Conservation will allow the clearing of trees.*

**MOTION** was made by Member Klare to extend the conditional final subdivision approval from May 18, 2020 to the November 16, 2020 Planning Board meeting.

**SECOND** was made by Member Kelly.

*AYE Member Klare*

**NAY:** -0-

*Chairwoman Escallier*

*Member Kelly*

**MOTION** was made by Member Klare to close the Planning Board meeting of July 20, 2020 at 8:30pm.

**SECOND** was made by Member Kelly.

*AYE Member Klare*

**NAY:** -0-

*Chairwoman Escallier*

*Member Kelly*

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