

**PLANNING BOARD MEETING  
NOVEMBER 19, 2018  
7:30PM**

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES OCTOBER 15, 2018**
4. **44 NORTH MAIN STREET LLC  
102-2-3  
SITE PLAN**
5. **DISCUSSION – COMMERCIAL STORAGE**

**THE NEXT PLANNING BOARD MEETING IS SCHEDULED FOR  
MONDAY DECEMBER 17, 2018 AT 7:30PM  
SUBMISSION DEADLINE FOR THE PLANNING BOARD MEETING IS  
MONDAY DECEMBER 3, 2018**

**VILLAGE OF HARRIMAN PLANNING BOARD MEETING**  
**Regular Meeting**  
**November 19, 2018**

Chairwoman Escallier opened the Village of Harriman Regular Meeting of November 19, 2018 at 7:30pm.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

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

**Absent:** Board Member Michael Zwarycz.

**MOTION** was made by Member Klare to accept the minutes of October 15, 2018.

**SECOND** was made by Member Stanise. **AYE** Member Escallier

Member Stanise

**NAY:** -0-

Member Klare

Member Quinones

Member Kelly

**44 NORTH MAIN STREET LLC**

**102-2-3**

**SITE PLAN**

**Present:** David Niemotko, Architect

Chairwoman Escallier: Let's start with John Russo's comment letter, which are very invaluable always, thank you.

Mr. Russo: The applicant is proposing a two-story office building at 44 North Main Street in the B-2 zone. Office space is listed as a principle permitted use in the zone. A revised EAF was submitted, we reviewed that, one question that needs additional information provided for it and the SEQRA document also needs to be dated. The general comments, although we know there are wetlands flags across it, the question is does the wetland extend any further across the site or not. I'm sure they looked at the specific area for the remediation that you're doing in that area, development of the wetlands in that area. Also, was a jurisdictional determination issued, if so a copy should be submitted.

Mr. Niemotko: All your comments regarding the wetlands, we have to refer to the wetland consultant, Pete Torgeson.

Mr. Russo: I noticed there is a loading and unloading zone and was wondering why an office building would need that.

Mr. Niemotko: The owner wanted a spot in the back where they could bring in furniture, boxes, office supplies, it can be brought in the back corner. It's not a loading dock in the traditional sense, it's going to be load leveler since the grade is different from the finished floor. The leveler will adjust to whatever van that has to go back there to take out furniture or supplies, the owner just didn't want it to come through the front door.

**VILLAGE OF HARRIMAN PLANNING BOARD MEETING**  
**Regular Meeting**  
**November 19, 2018**

*Mr. Russo: Architectural renderings and floor plans are needed, you have the front view, we would like to see the other sides of the building.*

*Mr. Niemotko: I welcome any comments from the Board regarding the elevations. I was hoping that if there are any comments, you would give them to me tonight then we can incorporate them into the architectural and provide a rendering of the building.*

*Mr. Russo: Signs, traffic signs there given the elevation, I saw the sign on the front of the building, will there be any commercial signs to be present? Just the one in the front?*

*Mr. Niemotko: No other signs but the one in the front. That is what the owner is requesting at this time.*

*Mr. Russo: Storm Water Prevention Plan, you hired John Petrocini for that, I spoke with him. We will also need a copy of the Army Corp of Engineers approval for the proposed wetlands construction.*

*Mr. Niemotko: We received our nation-wide permit number, we received our comments back and we are addressing them. We are looking forward to Pete Petrocini to be wrapping that up shortly so we can respond to their final set of comments.*

*Mr. Russo: In accordance to Chapter 82, article IV, section 82-11, Village Code, a flood plain analysis report needs to be prepared. Some basic construction details need to be added. We need information regarding the traffic that the site will generate.*

*Mr. Niemotko: We just received proposals from Maser Consulting. We will probably be using them to provide a traffic report and plans showing the site distances and such.*

*Mr. Russo: The plan should be submitted to the fire district for their review.*

*Mr. Niemotko: Do you want us to do that or is the Board going to forward it to them? If it's okay with the Board, we can send it out to them and get their initial comments. Then we can incorporate that when you do the 239m referral, if you want to list them with the other agencies, that's fine.*

*Mr. Russo: Orange County Sewer District approval is required. We would need a copy of that approval.*

*Mr. Niemotko: Yes.*

*Mr. Russo: On sheet #1, note 2 under the project description states regular business hours, we would like to know what the hours are. In the EAF you've listed hours, so if those are the hours, we could put them on the plan. The plan notes that the utilities servicing the existing dwelling are to be "abandoned". The plans should clearly note how and show how those utilities are to be abandoned. We recommend that you speak to the respective utility companies to see what their requirements are and how they would like them abandoned. You're going to have to talk to the Village of Harriman's water department, the DPW, find out what they want before you abandon that water.*

*Mr. Niemotko: We copied our correspondence to the other agencies to you but in this case specifically, Orange County Sewer. We provided a sketch from Orange County Sewer showing the location of the sewer in the street and the depth. They didn't have the materials, that was back from 1982.*

**VILLAGE OF HARRIMAN PLANNING BOARD MEETING**  
**Regular Meeting**  
**November 19, 2018**

*Mr. Russo: Orange County Sewer should be able to give you the information of what materials were used, they may know what it is. Surveying notes should be updated to reflect when and how the utilities were, shown on the plan. Sheet 2, the size and material of the existing water and sewer within North Main Street should be noted in the plans. There were a few labels noted that were overlapping one another. The fully achievable sight distances should be noted, they said 155, but I would like to know what's achievable. The proposed water and sewer services to the building are 2 ½' to 4' apart. The Department of Health requires 10' horizontal separation. from outside to outside, so that's need to adjusted.*

*Mr. Niemotko: We have the detail on that and we will include that on the plan.*

*Mr. Russo: The access aisle in the northern part of the parking lot, the width is deficient. It's only showing as 14'. It's a one-way drive that you have vehicle parking at 90\* to that. Getting a vehicle to back out of that and maneuver is next to impossible with a 14' aisle.*

*Mr. Niemotko: All of the research that we did with agencies that deal with parking and traffic, didn't show a 24' wide aisle for parking that's only loaded on one side.*

*Mr. Russo: If you want to submit that but all of the parking studies that I've looked at and design requirements show a 24' when you've got a 90\* parking aisle as you show on the plans. When you bring your traffic engineers on board, run an analysis to show the maneuvering of a vehicle in and out of those stalls. You have cars parked right behind them, so they have to be able to back up and maneuver out of those stalls. If they can show that it can be less, but I'm pretty sure that 14' is deficient on that. There are catch basins shown but there isn't any routing of piping at this time. I'm assuming that Mr. Petrocini is working on that with you.*

*Mr. Niemotko: He's going to be doing the SWPP, so we definitely want to locate the catch basins, those are our preferable locations.*

*Mr. Russo: The catch basin on the left side in the rear, you're going to need some additional structures to get that out of there. The silt fence around the rear of the project, it's in the Ramapo, it's got to be pulled out of there. In regard to the handicap parking, the supplement to the Building Code, requires a "No Parking Anytime" at the end of the access aisle. It also requires that the access aisle be a minimum of 8' wide. The one on the left side of the building the access aisle is only 5'. Guiderails should be provided along the southern parking lot along the top of the proposed retaining walls to prevent vehicles from going over the wall. What is shown on the detail, the retaining wall was a fence. You would have to show how these things work in conjunction with the wall.*

*Mr. Niemotko: On the detail we show pipe rails, definitely not a fence. We can put a guiderail before the retaining wall, between the retaining wall and the parking.*

*Mr. Russo: Grade should be added to the dumpster pad. The grading that was done around it, the pad will be dropping backwards, the detail said 1% coming forward on the pad.*

*Mr. Niemotko: The grading is not complete. We are waiting for some more information on that because it's in conjunction with the stormwater. We will incorporate it.*

*Mr. Russo: The valve on the proposed water service line, your 6" line serving the building wouldn't be out in the road. When you do wet tap, the valve is going to be connected directly to the wet tap so it will be right there at the interconnection of the main. You need to coordinate with the Village's DPW at this time as to where they are going to want that wet tap to be done because you have three utilities right in that location.*

**VILLAGE OF HARRIMAN PLANNING BOARD MEETING**  
**Regular Meeting**  
**November 19, 2018**

*Mr. Niemotko: I can speak to the DPW Supt and tell him that I come with the knowledge of the Planning Board.*

*Mr. Russo: Access to the building entrance from the sidewalk on the north side of the building is blocked by a proposed wheel chair lift. So you have people from the north side trying to walk to the front of the building and now they're going to be redirected out in the parking lot to go around the cars to come back to the stairs. Is there another means?*

*Mr. Niemotko: We'll bring a 5' sidewalk around. I think the access aisle between the double loaded parking on the side, especially since we angled it, allows us a little flexibility so we can bring the sidewalk in front of the ADA lift and the platform at the stairs to connect the west side to the east side.*

*Mr. Russo: Talking of the angled parking, I would like to know what degree angle you are at. Also look at the depth of those, they're all 20' at an angle, but when a car pulls in, it's not going to be fully in there. The backend is going to be sticking out on the one corner. I believe you have a 60\* angle there, usually it shows off the curb line out but that size stall being 21 ½ or 22' but that's not there. Based upon grade shown in the plans additional silt fence should run along the south side of the project. Landscaping plans should be provided. I think that I saw two trees.*

*Mr. Niemotko: We have quite a bit of landscaping with the creation of the wetlands. What type of landscaping would you want along the roadside?*

*Mr. Russo: Maybe you could do more on the islands or along the front of the project. It could be low-lying shrubs. Sheet 4 of 8 includes construction details for "diversion swales" and "check dams". The location of the proposed erosion control measures should be shown on the plans. Since you're showing erosion control, if they're not being used, remove them, I don't know if they're going to be used, not used but I was looking for them.*

*Mr. Niemotko: It's a sub-consultant's plan so we are waiting for him.*

*Mr. Russo: Information relating to the proposed onsite drainage plan have not been reviewed at this time, we are waiting for the SWPP. Wetland plans should be provided with notes to reference approved wetland mitigation plans. Notes should include title, date of approved plans, and as you said before you're working on that. It should also be noted on that sheet that the plan is not being approved by this Board. It's submitted as reference, as a general note. The Village Planning Board is not approving the design and wetland mitigation, it's all coming from the Army Corp of Engineers. Since it's occurring as part of this overall project, it has to be included. The wet tap basic information is required. The accessible parking detail should be revised to include the "No Parking Anytime" sign. The pavement detail, for the parking lot, a pavement restoration detail should be provided for the proposed utility crossing in North Main Street.*

*Mr. Niemotko: Would the DPW want to comment on that?*

*Mr. Russo: Yes, you can talk to them about that also. There were no construction details for the sewer service. You'll have to pull that up from Orange County. Trench detail for the road crossing should be added to the plan. That goes along with comment #3 so you can make a trench detail and pavement restoration all one if you want. Guiderail details should be provided for the guiderail proposed to be installed along the back of the parking lot on the north side of the parcel. I think you were calling for a wood rail system but there were no details. The retaining wall should be updated to include the installation of the guiderail and curbing to address comment #9.*

*Chairwoman Escallier invites the Board to ask questions.*

**VILLAGE OF HARRIMAN PLANNING BOARD MEETING**  
**Regular Meeting**  
**November 19, 2018**

*Member Kelly: How close are you to the river? What effect does this have on the river?*

*Mr. Russo: They are going to elevate the entire project. They have to do an analysis to find out what effect it has on the water way. They are creating a larger area for the flood plain to go into. They're doing this as a remediation for something that occurred in Monroe, right?*

*Mr. Niemotko: Correct.*

*Mr. Russo: Is it oversized to account for this?*

*Mr. Niemotko: Quite a bit.*

*Mr. Russo: So that should be taken into account on your flood plain analysis so when that's done, we'll see.*

*Member Kelly: is this one tenant renting the entire building or is this multiple office space for different people?*

*Mr. Niemotko: I would imagine it would be multiple office spaces.*

*Member Stanise: On the fill that Jim (Kelly) is talking about, what's preventing it from going into the stream?*

*Mr. Niemotko: There's a retaining wall along the back.*

*Member Klare: Why do you need a loading dock in the back? It makes me nervous because of the loading dock with trucks backing into it.*

*Mr. Niemotko: It's not a conventional loading dock, it's a dock leveler because of the different floor elevation with the grade. The owner wants materials, furniture moving, boxes to be brought in from that location and then into the office that is requesting it, as opposed to it being brought in through the front entrance. We are not proposing trucks or anything large. This is so a van with office supplies would be able to back into there, the leveler would adjust to the height of the van, they could bring the things in and up to the office.*

*Mr. Hager: Is the reason for this because of the flood elevation of the building?*

*Mr. Niemotko: Absolutely. We are raising this up quite a bit.*

*Member Kelly: Will there be a cellar in this building? A storage room down there?*

*Mr. Niemotko: Yes. With the foundation that we have to put in, it would probably make sense for them to have a basement.*

*Mr. Russo: The only other concern is access to the dumpster location, for a garbage truck to get there. Especially during the day if there are going to be vehicles there and that truck being able to maneuver in a 14' access alley.*

*Member Kelly: What kind of lighting are you going to have? I'm concerned about it being too bright at night. We know the hours of the office so at a certain time they should be dimmer.*

**VILLAGE OF HARRIMAN PLANNING BOARD MEETING**  
**Regular Meeting**  
**November 19, 2018**

*Mr. Russo: It's LED lighting. They did a lighting plan to show that they're not going to be spreading beyond the property. They have night screening so it's not going to be going up. Maybe they can be dimmed down at a certain time.*

*Mr. Niemotko: Sure, we could do a dusk to dawn. I'll ask the lighting consultant about it.*

*Mr. Hager: Will the building height exceed 30'? The zoning is 35' but the fire code is 30' and above that you need aerial access. And that brings a 26' wide aisle. Pitched roof or flat?*

*Mr. Niemotko: Essentially flat but pitched to one side. Right now we are proposing the top of the parapet at 35'.*

*Member Stanise: How many offices do you expect?*

*Mr. Niemotko: I don't know, I haven't done the architectural plans yet. I would imagine office around the perimeter of the building with a hallway servicing all of them. A core in the middle, meaning bathrooms. Two means of egress.*

*Chairwoman Escallier: This is my point, you're not prepared to tell us how many offices, coming here prematurely. For example, another Board might say to you, you don't know who your tenants are going to be, then we consider your application incomplete and when you're ready you can come to us. I'm not doing that. It would be helpful if you could state what's happening and don't get into the project prematurely sending things out to the different agencies before we even have a concept of what you're doing. This Board doesn't know what you're planning, you're not telling us the quantity of offices, the tenants.*

*Mr. Dowd: this sounds like what the applicant is proposing is a spec building. He wants an office building and under the Code it says banks, offices, professional and industrial offices. It doesn't say that you have to specify. It sounds to me as if he wants to build a building and then he will arrange it interior wise as far as how many clients he gets to actually come and rent 500 sq ft or 1000 sq ft and he'll arrange the building around that. That's a typical spec building that he's talking about. The Code doesn't require him to say what tenants will be occupying the space. His client hasn't told him because his client probably doesn't know who he'll be able to attract with this building. We have to go by our Code and it says business, professional and industrial offices.*

*Member Stanise: So it's possible that the building is completely empty until they get tenants?*

*Mr. Dowd: Absolutely, because the parking is related to the square footage of the building as the use of an office. The only time that changes is if you have a doctor's office because they tend to have a different traffic pattern. Generally speaking, offices whether it's e-commerce, lawyers, insurance agents, they can then adapt the interior of the building to their needs.*

*Member Kelly: I don't think that we can say who we want to go into that building. He's going to advertise "For Lease" and see who he gets but he had to do some speculation on what type of business he was looking to entice into that area. So as long as it's not manufacturing, retail, and there's no trucks.*

*Mr. Niemotko: Absolutely. They are offices and it doesn't affect the parking because the parking is based on the square footage of the building, not the amount of offices. So, we comply.*

**VILLAGE OF HARRIMAN PLANNING BOARD MEETING**  
**Regular Meeting**  
**November 19, 2018**

*Mr. Russo: Regarding the aerial fire apparatus, it is in D105.1 It says, "Where the vertical distance between the grade plane and the highest roof surface exceeds 30', approved aerial fire apparatus roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet walls, whichever is greater". And then it will require an aerial fire apparatus access road with a minimum unobstructed width of 26' for a ladder truck and it has to be within 15' to 30' from the building.*

*Member Kelly: Where will the parking be in the rear or front?*

*Mr. Niemotko: None in the rear, it's in the front and on the two sides. That will definitely impact our front access lane, so we'll look at that.*

*Mr. Russo: It's saying, "buildings exceeding three stories or 35' in height".*

*Member Kelly: The building is going to be brick? What kind of material?*

*Mr. Niemotko: Right now we're proposing EIFS (stucco).*

*Chairwoman Escallier: This will be one of a kind because the business that are in the area, the businesses are on the ground floor and on the second floor are usually residential.*

*Mr. Hager: That use is not permitted in the B-2 zone, it's only permitted in the B-1 zone.*

*Mr. Russo: Even if a doctor's office were to go in this building, the code doesn't distinguish the parking.*

*Mr. Niemotko: We are proposing offices, for professionals. There won't be any manufacturing, processing, storage. Right down the road you have professional office building, they occupy both floors. The church is across the street, radio shop across the street. It's heavy commercial right there. It's not as unique as you may think, there's definitely commercial in that area.*

*Chairwoman Escallier: There is residential across the street, Beatty Circle. Now as far as the height, when you bring the height up that's going to make the building stand out more. How are you going to make that imperceptible?*

*Mr. Niemotko: As shown in the elevation plan, the foundation would come up about 4' to accommodate the raise of the floor. We have stairs and an ADA lift proposed in the front. We hope that the stucco will blend everything together. We have some relieves in the elevation to break it up, it sits 80' from the road. Now with landscaping in the front. I want to have a full foundation wall to continue down to below the flood plain. We want it on virgin ground, stable.*

*Mr. Russo: If he has a basement, the Code is going to require him to meet certain conditions, being in a flood plain.*

*Chairwoman Escallier: I can understand the enlarged door in the rear to allow furniture to come in as you said, especially for offices.*

**VILLAGE OF HARRIMAN PLANNING BOARD MEETING**  
**Regular Meeting**  
**November 19, 2018**

*Mr. Niemotko: We will address all of the comments, the renderings, architectural plans. We are hoping to have our storm water and SWPP and I will reach out to the Village of Harriman for their thoughts on the water and the restoration of the pavement along North Main Street.*

*Mr. Russo: I think that you're going to have to look at the fire apparatus access road and the aerial access road. Maybe revise the plans before you send it to them, you maybe premature. Unless he revises the building some how to address it, then he doesn't have to have that.*

*Mr. Niemotko: We'll satisfy the fire code first, then even if that has to be issued after the next meeting.* **DISCUSSION – COMMERCIAL STORAGE**

*Mr. Dowd: About a week or so after we spoke, I connected with Kristen McDonnell, from Lanc & Tully, and we were going through definitions. Things that were missing, things that need to be changed and things that need to be further defined. Unfortunately, I don't have anything for you today. The Local Law was passed at the last Village Board meeting? The only changes were the ones that we submitted?*

*Mr. Hager: Yes, it was passed at the last meeting and the version that you saw was the version that was approved.*

*Mr. Dowd: We were talking about adding the definitions of distribution center, fulfillment center. Distinguishing motels from hotels, also hospitals, clinics, wellness centers, rehab centers, restaurants between fast food and sit-down, eating and drinking places. Now that the accessory building structure use in the new Code has been adopted, we can start putting in size limitations. Now that the law has been passed, Kristin and I will continue to work on this. We now have private and public storage in the code. We will continue to try to define not only what's in the Code but what we think should be in the Code. So, you have more guidance and hopefully we have less going to the Zoning Board of Appeals for interpretations.*

*Discussion broke out.*

**MOTION** was made by Member Stanise to close the Planning Board meeting of November 19, 2018 at 8:30pm.

**SECOND** was made by Member Klare.

**AYE** Member Escallier

**NAY:** -0-

Member Stanise

Member Klare

Member Quinones

Member Kelly

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