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

PLANNING BOARD MEETING
WEDNESDAY, SEPTEMBER 17, 2025
7:30PM

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. ACCEPTANCE OF MINUTES – JUNE 16, 2025
4. 101-2-1.12 & 101-2-1.2 – MYL INVESTORS, LLC, REVIEW LETTER

THE NEXT PLANNING BOARD MEETING IS SCHEDULED FOR MONDAY OCTOBER 20, 2025

PAPERWORK SUBMISSION DEADLINE FOR THE PLANNING BOARD MEETING IS 12:00PM ON FRIDAY OCTOBER 3, 2025

Chairperson Escallier opened the Village of Harriman Planning Board Meeting of September 17, 2025, at 7:30pm. She welcomed everyone, the Pledge of Allegiance and roll call followed.

Present: Chairwoman Irma Escallier, Member Klare, Member Murphy, Member Celentano, Attorney Cordisco, Engineer Russo, and Secretary Maria Hunter.

Absent: Member Quinones

Member Murphy made a MOTION to accept the minutes from June 16, 2025.
SECOND by Member Klare, **ALL IN FAVOR.**

101-2-1.12 & 101-2-1.2 – MYL Investors, LLC

Chairperson Escallier acknowledged the applicant's representatives were present, Attorney Warner, Attorney Richmond, and Engineer John Loch. Mr. Warner stated they represent MYL Investors LLC and 192 Route 17M LLC collectively as the applicant in connection with its already constructed professional offices and accessory private storage facility located at 200 Route 17M. Last month this board issued 2 resolutions, Resolution of Conditional Final Lot Line Approval and the Resolution of Conditional Final Corrected Site Plan Approval. Tonight, the applicant is seeking correction of both resolutions to correct some errors. The Conditional Final Lot Line change approval we will refer to as the subdivision approval. The subdivision approval was never conditioned upon the granting of the third story variance by the ZBA. Your council specifically indicated this during the May 19th meeting as reflected by the transcript minutes.

Attorney Cordisco agreed that the lot line change was not condition on approval. The subdivision plat has been filed; corrections can be made and there is no harm or foul since you have been able to perfect the subdivision. The real issue then should be the focus on the site plan amendment. The ZBA did not approve the requested variance to allow the 3rd story for office space. This is currently being challenged as part of the Article 78 process to be played out. Need the board to focus on the site plan to be able to construct the site plan improvements with additional parking as well as other lot improvements. If the board authorizes the changes they will be implemented as such.

Attorney Warner requested to clarify the other field changes on the site plan. Mr. Russo, question as to what is being defined as field changes. Mr. Warner stated the size and use of the 3rd story. Discussion between the applicant's attorney and Mr. Russo ensued about improvements to the project.

Attorney Cordisco suggested the action for the board to consider to authorize corrections to the resolution which would be a condition on the applicant in revising the parking calculation and the resolution to remove the condition that the variance with the office space on the 3rd floor no longer be necessary in order to construct the improvements as shown. Board decision to construct the improvements without occupying the 3rd story.

Chairperson Escallier is ready to move forward as long as this falls in place. Mr. Russo, if they show the parking calculations as the 3rd floor does not exist and show the 3rd floor as if it would exist.

Member Klare made a MOTION to authorize Attorney Cordisco to prepare the resolutions as discussed.
SECOND by Member Murphy, **ALL IN FAVOR.**

Chairperson Escallier made a MOTION to close the Planning Board meeting of September 17, 2025, at 7:47 pm.
SECOND by Member Klare, **ALL IN FAVOR.**

Minutes respectively submitted,

Maria C. Hunter
Planning Board Secretary

ZARIN & STEINMETZ LLP

Daniel M. Richmond
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August 29, 2025

Irma Escallier, Chairperson
Village of Harriman Planning Board
Village Hall
1 Church Street
Harriman, New York 10926

Re: 200 Route 17M, 192 Route 17M;
Tax Map Designation: 101-2-1.12, and 1.2

Dear Chairperson Escallier and Members of the Planning Board:

As you will recall, this Firm represents MYL Investors, LLC and 192 17M LLC (collectively the "Applicant"), in connection with its already built project with professional offices and accessory private storage facilities (the "Project") on the above-referenced property (the "Site"). The Site, which is located at 192 & 200 Route 17M in the Village of Harriman ("Village"), is within the Village's B-2 Zoning District. The Applicant respectfully submits this letter to request amendments to its Resolution of Conditional Final Lot Line Change Approval and its Resolution of Conditional Final Amended Site Plan Approval, both dated August 26, 2025 and both filed in the Village Clerk's Office on August 27, 2025.

The Applicant first appeared before your Board on March 17, 2025, for three reasons: (i) to incorporate field changes into the Final Site Plan as part of an amended Site Plan, including the third floor; (ii) to seek a minor subdivision to develop additional parking by merging a portion of vacant land located at 192 Route 17M to 200 Route 17M; and (iii) to develop the additional property added to 200 Route 17M to complement and enhance the existing development and use of the Site. Addressing the field changes made during the course of construction and the additional development of property added to 200 Route 17M was under one application for an amended Site Plan. This amended Site Plan was conditioned upon the perfecting of the minor subdivision, which was the Applicant's second application made to your Board. We believe we have perfected the subdivision but respectfully believe there are errors in the Resolution that should be corrected.

Ultimately, your Board preferred to address the two applications simultaneously, however, there appears to be commingling of issues in both Resolutions. First, there seems to errors in the Conditional Final Lot Line Change Approval ("Subdivision Approval") that improperly conditioned the subdivision upon the granting of the third-story variance, which is not reflected in the May 19, 2025 Public Hearing transcript or the fact that the Final Minor Subdivision Plat was signed, dated, and filed in the Orange County Clerk's Office on July 21, 2025, by the Planning Board. In addition, the Applicant requests amendment of the Conditional Final Site Plan Approval ("Site Plan Approval") to allow those field changes, that do not have anything to do with the third

story, to be incorporated in the Final Site Plan. We believe both of these Resolutions can and should be easily amended by your Board.

Resolution of Conditional Final Lot Line Change Approval

First, the Subdivision Approval was never conditioned upon the granting of the third-story variance by the ZBA. The Planning Board Attorney specifically indicated this, stating: "And you saw from Mr. Russo's comments, they were fairly minor. And clean up items from the subdivision plot. *And that could proceed regardless of what happens at the ZBA. And my suggestion would be; to authorize resolution to the condition and final approval for the subdivision plan.*" (*See* Planning Board Meeting Transcript, dated May 19, 2025 ("May 19 Transcript") at 30-31) (emphasis added). The "condition[s]" were to address the Planning Board Engineer's "fairly minor" corrections and comments. There was never any discussion about conditioning the Subdivision Approval upon the ZBA granting a variance for a third story. (*See id.*). Moreover, the Planning Board Attorney later stated, after the Planning Board voted to approve the Subdivision Approval, that the Applicant will "obviously need to continue their process before the Zoning Board of Appeals, *for the use of that third floor*." (*See id.* at 31-32) (emphasis added). Also later stating that "I'll go ahead and view as sort of in connection with the site plan amendment. That you previously authorized the subdivision one as well." (*See id.* at 33). The Subdivision Approval was never conditioned upon the ZBA granting the third-story variance, only the Site Plan amendments as far as the use of the third story was concerned, as discussed further below.

This is further evidenced by the fact that Chairwoman Escallier signed the Final Minor Subdivision Plat and filed in the Orange County Clerk's Office on July 21, 2025, before any public hearing for a third-story variance was had by the ZBA. The Resolution for the Subdivision Approval can be easily amended by adding ", if required" in between the period and "decision" in item "3." of "Outside Agency Approvals" in the Conditions to be Satisfied Before Plan Signature section. The condition to obtain a third-story variance for the Subdivision Approval was never required, and therefore amending the Resolution of Subdivision Approval in this manner accounts for that.

Second, the title of the Resolution and language within should be amended to reflect "Conditional Final Minor Subdivision Approval" as the Village of Harriman Code neither defines a "lot line change" nor has procedure for that, and neither does State Law. The Village of Harriman Code does, however, define and has procedure for minor subdivisions, such as this, under Chapter A146 Subdivision Regulations. Therefore, the Subdivision Approval should be amended to reflect the proper action pursuant to Village Code. In addition, the Subdivision Approval makes several references referring to the action or document being approved as a "site plan" including citing the Village Code for Site Plan approval. Again, this is incorrect as this Resolution and approval was for a minor subdivision and should be amended to reflect that.

Third, under the "Property Involved" section, the Resolution uses the incorrect parcel area (0.3760-acre). The correct lot area as indicated on the approved subdivision plat is 3.9309-acres. In addition, the "Zoning District" section, incorrectly lists the Project Site as being located in R-100 Zoning District. The Project Site is located only in the B-2 Zoning District. Also, that section

explains that variances were required based on bulk table and density calculations, however, this Subdivision Approval, as explained above, did not require any variances as determined by your Board. This Resolution should be amended to reflect these things.

Finally, under the "Plans" section, the Resolution indicates that minor subdivision plan is dated March 2, 2025, however, at the time of the May 19, 2025 public hearing, the plan was last revised April 22, 2025, and was subsequently revised twice, on May 20, 2025, and June 20, 2025, based upon review comments from the Planning Board and from the County Clerk's Office. This Resolution should be amended to reflect that as well.

The Applicant respectfully requests that the Resolution of Conditional Final Lot Change Approval be amended as described herein.

Resolution of Conditional Final Amended Site Plan Approval

To the extent that the Village is taking the position that the Applicant cannot go forward with and construct its parking because the entire Site Plan Approval was supposedly conditioned upon the ZBA granting a variance for the third story, the Applicant requests an amendment of this Resolution. The Applicant further requests that the Site Plan Approval also be amended to grant site plan approval for all other aspects of the building, and site, aside from the use of the third story, which should remain conditioned upon the Applicant obtaining a variance for the third story. As your Board may be aware, a majority of the ZBA recently failed to vote in favor (or against) the Applicant's third story variance request, which resulted in a denial by operation of law. The Applicant is filing a legal challenge to that result, however, the Applicant would like to proceed with developing the parking approved by your Board regardless of what end result occurs with the ZBA.

First, the Site Plan Approval for the entire Site, including the first and second stories, the drainage, and parking from the Subdivision Approval was not supposed to be conditioned upon the ZBA granting a variance for the third story. Respectfully, we do not believe it was the Board's intent to have the entire Site Plan become invalidated as a result of the ZBA's irrational failure to grant the variance for the third story. Only the use of the third story should be conditioned upon the Applicant obtaining a variance for the third story. This is what is reflected in the May 19, 2025 public hearing transcript as specifically indicated by the Planning Board Attorney regarding the Site Plan Approval. "And also obtaining the Zoning Board of Appeals approval *for the use of the third floor*." (*See* May 19 Transcript at 32) (emphasis added). Respectfully, there is no reason to have the entire Site Plan conditioned upon the Applicant obtaining a variance for the third floor. Only the use of the third floor should be conditioned upon the Applicant obtaining a variance for the third floor. We believe that the Site Plan Resolution can be easily amended to reflect this.

The Resolution for Site Plan Approval can be easily amended by adding "for the use of the third story" in between the period and "Appeals" in the "Zoning District" section and in item "2." of "Outside Agency Approvals" in the Conditions to be Satisfied Before Plan Signature section. Amending the Site Plan Approval Resolution in this manner is consistent with the discussions had during the May 19, 2025 Public Hearing and with the intent of the parties. Item "7." in the

"Narrative as Limit of Use" section of the Resolution indicates that the Site Plan Approval "shall serve as the outer limit of all of the activities that can be carried out on the site without amended approval being sought and granted." To be clear the Site Plan Approval Resolution should include as an outer limit the third story and its use, however, as amended with the suggestions herein, the Resolution would effectively condition the use of the third floor upon the Applicant obtaining a variance for the third floor from the ZBA.

This is important for several reasons. The Applicant has not obtained a variance for the use of the third floor, but all other floors and aspects of the Project, including the first two stories, drainage, and parking, have been approved and the Site Plan Approval Resolution should reflect that. Furthermore, the Project would be enhanced by having the approved parking for reasons, which have nothing to do with the third-story. Most of the parking on the Site is located in the back, whereas the main entrance is located in the front. The Subdivision Approval has made more land available to develop parking in the front, which will allow easier access to the entrances of the building by both current and prospective tenants. In addition, the drainage improvements will benefit the entire Site as well as the neighboring property.

Finally, the Resolution for Site Plan Approval should be amended to accurately reflect the acreage of the parcel, which is 3.5865-acres.

The Applicant respectfully requests that the Resolution of Conditional Final Site Plan Approval be amended as described herein.

CONCLUSION

Based on the foregoing, the Applicant respectfully requests that the Planning Board place this matter on its September 17, 2025 Agenda.

Please let us know if your Board has any questions or would like to discuss any aspect of this Application before then.

Respectfully submitted,

ZARIN & STEINMETZ LLP

By: Aaron Warner
Daniel M. Richmond, Esq.
Aaron N. Warner, Esq.

cc: Yoel Leifer
John A. Loch, P.E., P.L.S.