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

ZONING BOARD OF APPEALS

MAY 7, 2025

MEETING AGENDA

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. ACCEPTANCE OF MINUTES – APRIL 2, 2025
4. 101-2-1.12 – MYL INVESTORS LLC, UPDATE
5. 106-5-10 & 106-5-15 - REVIEW SUBMISSION

NEXT ZONING BOARD OF APPEALS MEETING
IS SCHEDULED FOR
WEDNESDAY JUNE 4, 2025 @ 7:30PM

DEADLINE FOR COMPLETED SUBMISSION
FOR THE NEXT ZBA MEETING IS DUE
BY 12:00PM ON MAY 20, 2025

Chairman Pettiford opened the Village of Harriman's May 7, 2025, Zoning Board of Appeals regular meeting at 7:40pm. He welcomed everyone followed by the Pledge of Allegiance and roll call.

Present: Chairman Pettiford, Member LaMarch, Member Santiago, Attorney McKay, and Secretary Hunter.
Absent: Member Paez, Member Torres

Member LaMarch made a MOTION to accept the minutes from April 2, 2025.
Second by Member Santiago, ALL IN FAVOR.

101-2-1.12, 200 Route 17M – MYL Investors, LLC
Attorney Aaron Warner from Zarin & Steinmetz along with partner Attorney Daniel Richmond, and colleague John Loch with AFR Engineering & Land Surveying, present this evening. Representing their client MYL Investors in connection with the mixed office and storage space project located at 200 Route 17M in the villages B2 zoning district. As you know, the applicant held in obeyance its request for a zoning code interpretation for whether a mezzanine constituted a third story and also held in advance its variances for parking and for a third story. While the applicant went to the planning board to obtain additional parking for minor subdivision and site plan amendment to incorporate field changes.

A public hearing is scheduled for May 19th before the planning board to finalize the subdivision for additional parking and to adopt the site plan amendments. The applicant is pleased to report that the planning board has no issues with parking or the site plan amendments and indicated that we should convey this to you. We're adding more land for additional parking to the site.

Member Santiago asked if the planning board circulated for lead agency or designate? Attorney McKay acknowledged they sent out the Notice of Intent to be lead agency. They haven't designated themselves as lead agency yet.

Attorney Warner continued, the site plan amendment and subdivision is to allow more parking. The applicant will no longer require a parking variance as it will be providing 109 spaces when the building inspector's denial letter states that only 90 parking spaces are required. In addition, and pursuant to planning board discussions, we've obtained an updated traffic study which we provided to you. Accordingly, the parking is before the planning board who has appropriate jurisdiction. The updated traffic study indicates that the project will not result in any significant increase in traffic.

Since we last before the board, the applicant has reached an agreement with the Village Attorney and Village Building Inspector for a conditional certificate of occupancy which allows it to operate the first and second floors of the building which currently has tenants. The applicant is hereby withdrawing its request for a zoning code interpretation for whether a mezzanine constitutes a third story and also withdrawing the request for a parking variance. We respectfully submit that your board's own precedent necessitates the granting of a variance for a third story, including for the following reasons, which are further supported with the five-factor balancing test under New York Town law. First, granting the third story variance will not result in an undesirable change in the character of the neighborhood. In 2017, your board determined that a third story variance for a building which would have required a much greater height variance than the one you previously granted us in February would not result in an undesirable change in the character of the neighborhood. Your board also acknowledged this in its February 27th decision when it granted the project. Importantly, the third story fits within the shell of the building and the topography of the site and its characteristics as already recognized by your board make it so that it only appears as a three-story building primarily from the back where there is also ample screening.

Second, there's no feasible alternative to achieve the benefits sought by the applicant here. The benefit is the use and legalization of the third story which is only achievable through a variance because the building is already constructed. Third, the third story variance is not substantial. Your prior ZBA board in its 2017 decision determined that a 9 ft height variance and a third story variance was not substantial, which your board acknowledged in its February 27th decision most recently. Respectfully there is no rational basis for your board to diverge from this precedent and even if the variance is viewed substantial New York case law establishes

that the totality of the circumstances and the actual impact on the community determines whether even a substantial variance may or may not be granted.

As previously discussed in 2017, your prior ZBA board determined that there would be no impact on the character of the community from a third order variance, which again your board also acknowledged in February 27th decision. Therefore, even if the variance is deemed substantial, it would be contradictory and irrational factor against the applicant. Um, fourth, there would not be an adverse impact on the environment from the third story variants. In 2017, your prior ZBA board determined that third story variance would not adversely impact the physical uh or environmental conditions. And again, your board acknowledged the same. Furthermore, the third story fits within the height of the building, which the height variance your board just approved. There is no evidence in the administrative record and contrary there would support the finding of restored environmental conditions being negatively impacted by granting experience. Fifth and finally to the extent that the alleged hardship is deemed self-created again such a determination does not conclude granting of the requested variance for third story under New York State. In conclusion, we request that your board adjourn the public hearing until its June meeting when your board can act.

Attorney McKay - For the board's information I had a brief discussion with Mr. Richmond this afternoon. I gave him my opinion on how the board may wish to proceed. You have some options. One of the things I suggested to Mr. Richmond was since the applicant now has an amended application before the planning board that you provide this board with copies of whatever changes are being reviewed since the matter was last here. Whatever is pending before the planning board this board could take a a look at that. Next question is if the planning board has now circulated for lead agency, maybe at the May meeting take action to issue a negative declaration assuming they did assuming they issued the NegDec. This board, since the planning board is now the lead agency in the coordinate application should wait until the planning board issues the negative declaration before you make a final determination. That having been said, we kept the public hearing open. This meeting tonight, you know, there's been no, for instance, publication in the newspaper that a public hearing was going to be had this evening. So, one of the things I would suggest or recommend to this board since you have to go back to the planning board anyway is if you think you're going to get your NegDec at the May meeting before the planning board, then the option this board will have is to schedule a continued public hearing on your application for its June meeting. Mr. Richmond and I thought that was reasonable.

Mr. Richmond - If that's something the zoning board wants to do to publish it in the newspaper, we have no objection. We don't need to notice it in the newspaper as long as the ZBA adjourns this hearing to a date and I agree. I can't find a case that says that exactly. My concern as the board attorney is that, you know, we have this ongoing on and off public hearing, so to speak. So, I think it would be, you've already noticed, so and it is an open hearing, so I have no concern. I don't think you need to send individualized notice again. I agree with that.

Mr. McKay - I think it would be good practice for the board to authorize the clerk to publish if this is what the board wants to do. To notice the public through publication that you're continuing the public hearing at a certain date.

Mr. Loch suggested that I'd like to do is just show the board briefly and describe what it is we've applied for with respect to the subdivision and the site plan amendments that we're looking for on it. Then see if you think it would be reasonable if I provide a few select sheets to your board for submission. I'll give you a written narrative that describes what's going on because it is a substantial set of plans to go through. It makes perfect sense, in all honesty, we just submitted those to the planning board. It's over $1,000 printing bill. It adds up quickly. Chairman Pettiford asked if this board could access the set that was submitted to the planning board? I have no problem at all with that. We actually provided copies; the clerk happens to have the same. So, I have no problem with that being made available. Electronic plans are before the planning board; they were submitted last week. All you would have to do is make sure the ZBA members have the electronic set. Mr. Loch will prepare a narrative that describes what is done. And if you don't mind, I'll give you a brief presentation this evening. This is the plan that we submitted to the zoning board, which basically is on the site. We have submitted to the planning board a subdivision plaque. The applicant has a friendly corporation that has acquired adjoining parts of the area. We're basically cutting it in half. The existing auto repair facility in the front

will stay as is. the back area which was significantly filled under a fill permit issued a few years ago that brings it up matching grade. With this site we will be developing a parking lot we are also reorienting some of the parking that we have over here. The end result is it brings us up to a total parking lot space availability of approximately 109 we're still going over a little bit over two spaces with respect to review by the engineer for the planning board, but we're more than what we're required to have. In terms of the rest of the amendments, when it refers to amendments, there were relatively minor things that occurred that is kind of normal during the course of construction. An example being when this thing was originally approved, the utilities were shown in certain locations. When it went to be built, the utility company said, "No, we're not putting it there." So, we had to do a little bit of jockeying around with things like utilities. There were a couple other things that occurred. One, we found that there had been some fill plates along this one property line that's common with the car wash. And because of that, we ended up building a retaining wall that was not anticipated, but essentially, we kept all the grading that was proposed on the property where we proposed it, but we obviously had to support the property next door. We did work that out with easements with the adjoined property owner so that we could build the wall and have it properly uh anchored and safely put in. At the same time, we also discovered that they put part of their vacuum facilities onto car site. We granted them an easement, so they'd be able to leave their vacuum facilities there. Again, these were very minor things.

In the back as part of the amendment, we did have to push the parking lot back slightly to make turning radiuses for some of the bigger trucks that would come in and out, 30 footers. And part of that had to do with the column placement for the building. If you've been to the building, you'll see there are columns spaced out here. We have certain things where obviously we are constrained how we're moving the trucks. In order to meet the proper radiuses, we moved the parking space back. My recollection is about 10 ft. And in order to do that and not intrude into other facilities or other features here, we built a retaining wall here. That's really the bulk of the amendments. There are other really very minor technical issues. And a good example would be there is a what's called a backflow prevention system. It's a water valve and it's for safety purposes. When we went to build it, we couldn't get the model that they had originally specs. We provided this as a change that was run through the health department and was reviewed by your engineers. Those are the type things that we have as amendments for the original work.

Mr. Loch referred to a map on showing the ZBA members where the building and the location of the additional parking spaces. There will be a 30-foot-wide aisle. An important feature of this is that any of the storm water that would be collected on this parking lot will be captured and it will be run through both a filtration system and a retention system to slow the flow down. We've been in touch with the neighbor over here and they have an existing drainage problem. What we're proposing here is going to be something that they are working out that they'll be able to hook into. We're giving them the opportunity to try and resolve their drainage problems. We've made it clear to them that we're not going to do work on their property. The developer has said yes, I'll give you easement and give you the right to hook up to it when it's in. We've been working a little bit or pointing them to the building inspector and your engineering consultants so that they can resolve their own issues. I'll write you a narrative that outlines. There is one other thing I should indicate at the amendment. We are seeking of course with planning board approval of the use of the third floor with no physical change in terms of the exterior.

Attorney McKay confirmed with the applicant that there's no additions to the exterior building or any with respect to the mezzanine.

Member Santiago asked why the backflow size preventor was changed. Mr. Loch noted they couldn't get the type flow preventers that originally were specified and because that requires the health department's approval of the exact model. We ended up going back doing that and we ran this all through John Lanc the Village Engineer. Member Santiago asked if any samples were done on the soil. Mr. Loch responded that he wasn't aware of any environmental testing that was done. The quality of the fill taken from the site. It was excess we had on here. It was not being trucked in. Discussion continued about the grade being no more than 5% and addition of some retaining walls. Basically, the bulk of this land was pretty much the same elevation as the adjoining property. The SWPPP report spells out is a number of things in terms of how you have worked with your developing site, how you have to maintain things, who's responsible for maintenance. The document has to be done before we do the actual construction. We have had some discussions with the planning board

engineer, and we believe the proper way to do it is to amend the source that we have now. The applicant will provide separate sets of calculations showing exactly how the system install work. The storm water treatment on this site now existing has a large retention system that's used for filtration and for putting groundwater water back into the ground. It also has a detention system through here that controls the outfall.

Chairman Pettiford asked if board members had any more questions for the applicant. Attorney McKay advised to see if anybody in the audience has any questions. Chairman Pettiford opened the public hearing, no one wished to speak. Attorney McKay suggested to the board if they were comfortable just to set the continued public hearing simply specifically for the June 4th meeting.

Member LaMarch made a MOTION to continue the public hearing to June 4th.
Second by Member Santiago, ALL IN FAVOR.

106-5-10 & 106-5-15, 34 & 36 Route 17M – Garfield Plumbing
Attorney Neal Frishberg and colleague John Loch with AFR Engineering & Land Surveying, present this evening. Representing their client Abraham Klein, owner of Garfield Plumbing. Basically, the building stores its plumbing equipment. People don't come in and out of the building, but it needs more storage space for their equipment. They want to expand the storage space for equipment and in addition, they want to increase the number of parking spots. It's an unusual piece of property because it's basically two lots and one of them is residential. They have asked the planning board for the ability to expand the storage area for the plumbing supplies and allow a lot line change or a minor subdivision to permit them to have additional parking lots. The planning board referred the matter to ZBA. We're here before this board to determine whether the matter can be scheduled for a public hearing. I'm going to defer to Mr. Loch.

Attorney McKay noted he tried to compare all the requested variances from the narrative presented versus the referral letter from the planning board. I don't think all of the variances you're requesting in your narrative are listed in the referral. If you're actually requesting more variances that the planning board has sent you over for, we can just try administratively to get a revised letter from the planning board. I saw Dominic's letter, we could probably just get an update. So, as long as we have a complete understanding of exactly what variances you're looking for, and by the way, I do think your narrative is clear.

Mr. Loch referred to the full set of what we had in front of the planning board with a minor revision with respect to some of the bulk information, based on comments that occurred at the last planning board meeting. There are really two documents that I think your board would be interested in looking at. The first thing is really what we want to do with the site. We actually have two lots; one has the existing plumbing business on it and the other lot has a residential house on it. The residential lot, accesses Route 17M by way of an easement. The easement is written in very general terms. It simply says you have a right to get through. There was some idea to try and change that from rigid metes and bounds. When this plumbing business was in front of the ZBA several years ago, that did not occur because the property owner at that time back would not agree.

The problem with this back lot is where you see this bold dashed line, that's actually the zoning boundary. So, what you have is what's being used as a residential lot, a large portion of it is commercial property. It is also in a shape that makes it very difficult to really utilize it. What has happened is the plumbing business has been somewhat successful. It does not have a lot of people coming and going or staying there. However, they do run an office. That's basically the front part of this building. Primarily the guys in there order materials, price out jobs, do all the billing. The storage space is very important to them. They buy materials in bulk, running a business and being able to come in to have his truck stop there, pick up certain items and go has become very important to him. The owner would like to increase his bulk supply by enlarging the building. Now, what we're proposing is really three things. One we're going to is going to be eliminated. So, you're going to have all of the commercial property on one lot, and it will be developed as allowed under your zoning for commercial purposes. We do still have to seek some variances to make this work and a lot of that has to do with the fact that when you're joining a residential property, there's a requirement for a buffer and that's in addition to the setback. The reality is if we go with the buffer and we go with the setback requirement essentially; we can't expand anything. The other thing that's important to the applicant is that there's been certain changes in his business. He does find it necessary to have a little bit more in the way of vehicles that he initially anticipated

when this was approved in 2015. Most of his trucks actually only come to the site to pick certain things up. He now has to store a couple more trucks there and then he has employees come and they leave their cars. This commercial building with storage is very quiet. We are willing to try and do things like there's existing fencing there. We're going to see if there's a way to talk to the neighbor about what would be accepted. We can do things to make the fence opaque. We can add things to the existing fence and replace the fence with something that's more substantial in screening.

We don't really have much of option in terms of substantial vegetation because of the other problems, we have a sewer line going through here. I can plant large trees and things there than develop but what I would anticipate is we'll provide a little bit more in the way of visual impacts or what we see is really not visual impacts and try to justify the variances we see. Obviously, we are seeking to have no real buffer, but we're certainly open to conditions in terms of how we'll try to put things in there to screen it. We would be seeking variances with respect to some of the setbacks. In our proposal we will make provisions for all the parking needed to support the residents and we will have an easement describing what's allowed.

Mr. Loch acknowledged a site visit with the ZBA members can be arranged. This will be coordinated with the secretary to look at the site. We'll be happy to meet you there. The pool and shed will be removed, the area will be cleaned up. Actually, in terms of grading you'll see we're proposing a retaining wall here. These cars will actually sit lower than the ground that's back up here, this will be higher.

Member Santiago asked about equipment or machinery, he noticed the unloading of trucks assuming it's their equipment that they ordered with some type of forklift. Mr. Loch noted they are not using it for assembly. Attorney Frishberg noted their bulk deliveries go directly to the sites that they're working at. The workers pick up smaller parts, hoses, pipes of different sizes, elbows, and fittings. Mr. Loch is reviewing Mr. Russo's comments from the planning board about the garbage dumpster should. He is going to see what we can do about screening around the dumpster with some type of enclosure.

Discussion amongst ZBA members, Mr. McKay and secretary confirming to schedule a site visit before the June 4th ZBA meeting.

Attorney McKay prepared a draft resolution for the board's review and possible adoption tonight. The draft resolution provided as the board is lead agency determines that the application is a type two action under SEQRA states that no further environmental review is required. Then it lists the variances that are being requested. Directs the clerk to provide a 239 referral to Orange County, schedules the public hearing for June 4th. If by chance we have a response to the GML request, we can take a vote. If not, we'll have to adjourn to the July 8th meeting. As long as all notices get served on time. The resolution prepared by Attorney McKay will be attached to the minutes. The Village of Harriman Zoning Board of Appeals designating itself as lead agency and scheduling a public hearing on the application of Klein/Garfield Plumbing for area variances.

Chairman Pettiford made a MOTION to adopt the resolution as read.
Second by Member Santiago, ALL IN FAVOR.

For record keeping Attorney McKay the EAF that was supplied with the ZBA application looks like it's actually a copy of the EAF that was supplied to the planning board. Basically, it's for the subdivision and I think if it says it's for the variances at least that'll be correct. And then just for my clarification, the LLC owns the commercial lot, and Mr. Klein personally owns the residential lot. It was confirmed that Mr. Klein is a member of the LLC.

Member LaMarch made a MOTION to close the regular meeting of May 7, 32025 at 8:52PM
Second by Member Santiago, ALL IN FAVOR.

Respectively submitted,

Maria C. Hunter

ZARIN & STEINMETZ LLP

Daniel M. Richmond
dmrichmond@zarin-steinmetz.com

May 6, 2025

Chairperson Michael Pettiford and the Members of the
Village of Harriman Zoning Board of Appeals
Village Hall
1 Church Street
Harriman, New York 10926

Re: 200 Route 17M;
Tax Map Designation: 101-2-1.12

Dear Chairperson Pettiford and Members of the ZBA:

As you will recall, this Firm represents MYL Investors, LLC (the "Applicant"), in connection with its request for area variances from certain bulk requirements of the Village's B-2 General Commercial Zoning District on appeal of the Village Building Inspector letter, dated October 18, 2024 (the "Denial Letter") related to the Applicant's already built project with professional offices and private storage facilities (the "Project") on the above-referenced property (the "Site").

As you will also recall, at the Board's February 27, 2025 Meeting, your Board granted the Applicant a height variance for the height of the building as-constructed. The Applicant held in abeyance its application for a zoning code interpretation of whether a mezzanine level constitutes a third-story and the variances for parking and third-story while it addressed the mezzanine/third-story and its proposal to add additional parking with the Planning Board.

The Applicant is finalizing with the Planning Board a subdivision and Site Plan amendment to add additional parking and has a Public Hearing scheduled for May 19, 2025 with the Planning Board. With this subdivision and Site Plan amendment to allow more parking, the Applicant will no longer require a parking variance and will no longer be seeking an interpretation of whether a mezzanine level constitutes a third-story.

Therefore, the third-story variance is the only variance that the Applicant is seeking from your Board, which if granted will achieve full zoning code compliance for the building. The Applicant has received from the Village a Conditional Certificate of Occupancy, which allows it to use the first two floors, which are currently operational and being used by tenants.

Accordingly, the Applicant requests that your Board act on its request for a third-story variance. Again, the site topography and natural and manmade screening further minimize the gravity of this variance. As discussed in previous correspondences, the Prior ZBA, in 2017, determined that a third floor variance and the height variance posed essentially posed the same impacts and found that they would not cause an undesirable change in the character of the neighborhood or a detriment to nearby properties and would not have an adverse effect on the

physical or environmental conditions of the neighborhood or district, particularly because of the topography of that particular lot and the distance between the main road (Route 17M) and the proposed structure. Your Board, in its February 27, 2025 Decision acknowledged the same.

In addition, pursuant to discussions with the Planning Board, we have obtained a traffic study, provided by Colliers Engineering and Design, which we are providing to your Board with this letter. The traffic study establishes that the Project will not result in any significant increase in traffic. Therefore, there are no negative impacts associated with this Project including a variance for the third-story.

Accordingly, we respectfully submit that your Board's own precedent establishes that, respectfully, the variance for a third-story be granted based on the 5-factor balancing test under New York Town Law Section 267-b because the benefit to the Applicant is great and there is no evidence of any detriment to the community from it. Based on the Administrative Record, it would be irrational for your Board to deny the variance for a third-story sought here.

First, granting the third-story variance would not result in an undesirable change in the character of the neighborhood or a detriment to nearby properties. Again, in 2017, this Board determined that a third-story variance would not result in an undesirable change in the character of the neighborhood. Your Board acknowledged the same in its February 27, 2025 Decision. Importantly, the third-story fits within the shell of the building, meaning that if there were no third story on the interior of the building, the outside shell of the building would remain the same. Therefore, respectfully it would be contradictory and irrational for your Board to weigh this factor against the Applicant.

Second, there is no feasible alternative to achieve the benefit sought by the Applicant. The benefit sought by the Applicant now is legalization of the building through a third-story variance. Again, as previously explained, the Applicant built the building pursuant to plans reviewed and permitted by the Building Department. The building cannot be legalized without a height variance because the building is already constructed.

Third, the third-story variance is not substantial. Notably, in 2017, your Board determined that a 9-foot height variance combined with the third-story variance was not substantial, which your Board recently acknowledged in its February 27, 2025 Decision. Respectfully, there is no rational basis for your Board to diverge from this precedent.

Furthermore, even if the requested variances were deemed substantial, it is settled law that "[s]ubstantiality cannot be judged in the abstract; rather, the totality of the relevant circumstances must be evaluated in determining whether the variance sought is, in actuality a substantial one." *See Lodge Hotel, Inc. v. Town of Erwin Z.B.A.*, 21 Misc. 3d 1120(A), 5 (Sup. Ct. Steuben Cnty. 2007), *aff'd*, 43 A.D.3d 1447, (4th Dept. 2007). The totality of the circumstances and the actual impact a requested variance would have on the surrounding community is critical to the overall

analysis.[1] Accordingly, the question of whether a substantial variance should be granted is whether it has an impact on the neighborhood community character.

Here, the third-story variance will not have an adverse impact on community character, including due to the topography of the Site, the distance between the building and Route 17M and the minimal nature of the variance. (*See* 2017 ZBA Decision, at pages 8-11; *see also* ZBA Decision dated February 27, 2025, at pages 2-6). Accordingly, the variance for a third-story is not substantial, and, even if it was it should still be granted because it do not have a negative impact on community character. Therefore, it would be contradictory and irrational for your Board to weigh this factor against the Applicant even if the third-story variance is determined to be substantial.

Fourth, there would not be an adverse impact on the environment from the third-story variance. In 2017, your Board determined that a third-story variance would not adversely impact the physical or environmental conditions. The Applicant reiterates that the third-story variance will not adversely impact the environment or the surrounding roads or roadways and there is no evidence in the Administrative Record establishing the same.

Fifth, to the extent that the alleged hardship is deemed self-created, such a determination does not preclude the granting of the requested variances under N.Y. State Town Law. Furthermore, the Applicant respectfully submits that the facts in the Administrative Record establish that the variance for a third-story is not entirely self-created. Again, the Building was built pursuant to plans reviewed and permitted by the Building Department.

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1 *See, e.g., Wambold v. Southampton Zoning Bd. of Appeals*, 140 A.D.3d 891, 893 (2d Dep't 2016) ("While we agree with the petitioner that the proposed variance was substantial, there was no evidence that the granting of the variance would have an undesirable effect on the character of the neighborhood, adversely impact physical and environmental conditions, or otherwise result in a detriment to the health, safety, and welfare of the neighborhood or community.").

CONCLUSION

In conclusion, we respectfully request that your Board grant the variance for a third-story as the majority of the factors weigh in favor of granting the variance. 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: _____
Daniel M. Richmond, Esq.
Aaron N. Warner, Esq.

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

400 Columbus Avenue Suite 180E
Valhalla, New York 10595
Main: 877 627 3772

Colliers
Engineering
& Design

April 30, 2025

Mr. Yoel Leifer
MYL Investors, LLC
51 Forest Road, Suite 316-266
Monroe, NY 10950

200 NYS Route 17M
Village of Harriman, Orange County, New York
Colliers Engineering & Design Project No. 25006330A

Dear Mr. Leifer,

Colliers Engineering & Design has had an opportunity to review the amended site plan, Drawing SP-5, revision dated Aprill 22, 2025 prepared by David Niemotko Architects, P.C. and revised amendment by John Loch from AFR Engineering, April 22, 2025 and offer the following;

Trip Generation

The project is separated into three (3) components:

- Co-Work Office Space
- Common Space
- Storage Space

The Co-Work office, common space, and storage space occupies the first and second levels and the Co-Work office and common area occupying the mezzanine level.

For trip generation purposes, we have combined the Co-Work office and common areas in a single square foot value equaling 26, 394 square feet. The remaining area is considered as storage space consisting of 28,054 square feet. The site is supplied with 109 passenger vehicle spaces of which 6 are designated for the disabled. Eight (8) loading spaces for the storage component are provided as well.

Using the above areas of each component, reference has been made to the publication "Trip Generation, 11th Edition" published by the Institute of Transportation Engineers (ITE), dated 2021.

The following Table No. 1 identifies the amount of traffic that could be expected to be generated by this facility.

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& Design

Table No. 1
Hourly Trip Generation Rates (HTGR) and
Anticipated Site Generated Traffic Volumes

200 Route 17M	Entry		Exit	
Harriman, NY	HTGR[1]	Volume	HTGR[1]	Volume
Co-work Office[2] (26,394 SF)				
Peak AM Hour	1.44	38	0.19	5
Peak PM Hour	0.27	7	1.40	37
Storage (28,054 Sq. Ft.)				
Peak AM Hour	0.11	3	0.07	2
Peak PM Hour	0.11	3	0.07	2
Total				
Peak AM Hour	-	41	-	7
Peak PM Hour	-	10	-	39

NOTES:

1) THE HOURLY TRIP GENERATION RATES (HTGR) ARE BASED ON DATA PUBLISHED BY THE INSTITUTE OF TRANSPORTATION ENGINEERS (ITE) AS CONTAINED IN THE TRIP GENERATION HANDBOOK, 11TH EDITION, 2021. ITE LAND USE CODE - 151 - MINI WAREHOUSE AND ITE LAND USE CODE - 710 - GENERAL OFFICE.

2) INCLUDES A 20% TRIP CREDIT TO ACCOUNT FOR OFF-PEAK COMMUTING CHARACTERISTICS ASSOCIATED WITH CO-WORKING SPACE.

As noted on the table, in this estimation we made the use of Land Use Code 710 – General Office. The rate was discounted by 20% to account for off-peak commuting characteristics that is associated with Co-Work space operations. The storage generation rate is based upon Land Use Code 151 – Mini-Warehouse.

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& Design

As the summary identifies, 48 trips (total entry plus exit) are expected to be generated during the AM Peak Hour and some 49 trips (entry plus exit) during the PM Peak Hour.

Based on the ITE publication, "Transportation Impact Analysis for Site Development" guidelines updated in January 30, 2023, where a development is anticipated to generate fewer than 100 vehicles during a peak hour, it will not results in any significant increase in traffic. In this instance, traffic generation is less than half this volume.

Conclusion

Based on the above, it is our considered professional opinion that with these low levels of traffic generation, no degradation to traffic operation along NYS Route 17M will occur during the AM and PM Peak Hour periods and traffic generation will be even less apparent during off-peak periods.

Sincerely,

Colliers Engineering & Design, Architecture, Landscape Architecture, Surveying, CT P.C.

A. Peter Russillo, P.E., PTOE
Senior Project Manager

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