

Members Present:

Peter Klose (Chairman)
Daniel Jean-Gilles
Alan Englander
Glen E. Keene
Peter Voletsky
Seth Kestenbaum-Alternate Member

Also Present:

Walter Sevastian
Don Yacopino, Building Inspector
Bob Galvin—Village Planner
Eve Mancuso-Village Engineer

Absent:

Other Business: Motion to approve the March 2, 2015 Minutes-- second by Jean Gilles-- Vote 5-0 approved.

1. 104 Jackson Avenue. Eric Caoli. Site Plan application to permit two storage containers on property along with existing shed and request for recommendation to Zoning Board of Appeals. Property is in TFR zoning district.

Applicant did not appear at ZBA-- appears that the matter is continued pending ZBA review and determinations

Public Comment -- none

Board-- NONE

Site Plan-- REMAINS OPEN SUBJECT TO THE REVIEW BY THE ARB AND THE ZBA.

2. 2-6 North Midland Avenue. Joseph Lagana. Site Plan application to demolish existing structure, construct a three story multi-family dwelling and request a recommendation to Zoning Board of Appeals. Property is in DMU zoning district. Architectural Review Board offered a positive recommendation for demolition at 12/17/2014 meeting.

Building Inspector-- Tax maps and prior Site plan drawings indicate this to be a two parcel property. A subdivision and special permit will be required to merge properties. a Site plan of existing conditions should be provided. Density calculations indicate 41 dwelling units are permitted @ 50 units per acre. With a 10% increase in density for Affordable Housing (+4), a 10% increase for Brownfield Cleanup (=4) and a 10% increase for exceeding NYS Energy Code requirements (+4), 53 Dwelling units would be permitted. Applicant must provide details outlining how requirements will be met for the requested additional dwelling units. Proposal is for 48 DU's.

PARKING

The following Parking requirements have been calculated for 48 Dwelling Units:

26 1 bedroom units @ 1.25 spaces per DU=36.25 spaces required.

19 2 bedroom units @ 1.70 spaces per DU=32.3 spaces required.

68.55=69 spaces required.

67 off street parking spaces are being provided.

Per Article IV VON§360-4.5B (3), the previous use of an 8,000 sf retail space would have required 20 parking spaces (8,000/400 =20). With a change of use the zoning code requires off street parking

to be met by calculating the difference of parking requirements between previous and new use. In this case, proposed use requires 69 spaces, previous retail use required 20 spaces. $69-20=49$ required spaces with 67 provided. Parking requirements are deemed to be met.

An area variance will be required from Article IV VON § 360-4.3 Dimensional Standards Table 4-1 for an FAR of 2.4 where 2.0 is permitted.

Proposed action is more than 500 ft. from State Road Rte. 9W. The action does not meet any other GML threshold and therefore it does not need to be referred to Rockland County Planning under GML.

SEQRA – This is an Unlisted Action. The Planning Board has declared its intent to be Lead Agency and authorized staff to circulate Notice of its Lead Agency Intent to interested and involved agencies on February 20, 2015.

The 30 days have now expired with no objection and the Planning Board can assume Lead Agency status for the project's environmental review. To date, we have received a letter from Richard Gilbert, P.E. of BlueShores Engineering indicating that the application (which has the Nyack Brook running through the property) is non-jurisdictional for Federal permitting and does not require an ACOE nationwide permit. The Board has also received a review by NYSDEC regarding the project which does not indicate the requirement that the application will need any NYSDEC permits.

LWRP Consistency – The Planning Board is responsible for the determination of consistency with the LWRP policies for this application. Such determination would be made after the Planning Board makes a SEQRA determination.

Escrow – Applicant has paid fees for an escrow account in the amount of \$9,500 for review of the site engineering and traffic study review.

The Board will need to provide a scope for the review and determine the consultant for the review of applicant's Traffic Study. Once received and reviewed the Board will be in a position to make their SEQRA determination.

Applicant received ARB approval and positive recommendation to ZBA on 3/18/2015.

1. Engineering plans entitled "Montclare" prepared by Anthony Celantano, dated 1/7/15, last revised 3/23/15, 3 sheets. Village Engineer following preliminary comments:

Planimetric Plan

1. The drive aisles are limited in width; eleven feet - six inches wide at egress aisle. Wheel turning movements for the entrance/ exit aisles remain to be provided.
2. Sight lines at the exit remain to be provided. It appears a vehicle egressing the site would have to pull out onto the sidewalk area to have clear sight of on-coming traffic.
3. A four feet wide pedestrian access along the south side of the exit drive has been provided.
4. A four feet wide sidewalk along the full property frontage has been shown. Clarification is needed to determine if the sidewalk will extend to the building façade or will foundation plantings be placed along the facade.

5. *We are not in receipt of a Lighting and Landscaping Plan. Consideration should be given early in the design process to accommodate landscaping and shade trees along the property frontage.*
6. *The mailboxes have been noted in the Celantano narrative to be placed within the buildings but details of the same are not provided on the plans.*
7. *The parallel parking spaces have been labeled a minimum of twenty feet long in dimension.*
8. *The Celantano narrative states windows were removed from the lower level apartments in compliance with 360-4.5 E (3) which does not permit parking stalls to be within fifteen feet of the windows of the lower level apartments. We are not in receipt of revised plans showing this.*
9. *The property lines should be shown on the upper floor plans to determine the distance from the terraces to the front property line. We are not in receipt of revised plans showing this.*
10. *The location of the existing drives on Midland Avenue have now been provided. The Traffic consultant retained by the Village should comment on the suitability of the offset distance from the centerline of the proposed drive to the existing drives on Midland Avenue.*

Grading and Utility Plan

1. *The topography around the full perimeter of the site should be clearly shown to determine the impact upon adjoining lots. Rockland County topographical information should be supplemented with actual field data. A separate boundary and topographic map, signed and sealed by a licensed surveyor should be submitted for ease in reading the data.*
2. *Retaining walls shall be shown. The detail sheet indicates a concept of an "L" configured retaining wall on the detail sheet. The wall as shown will require a temporary construction easement from the adjacent property owner to facilitate construction of the same. Full signed, sealed structural plans will be required to be submitted for the proposed retaining walls.*
3. *Upstream and downstream off site data is needed to indicate the transition of the Nyack creek culvert at the property lines. This should clearly be presented on the boundary and topographic survey as noted above to be submitted.*
4. *Existing and proposed profiles are shown for the Nyack Creek. Clarification is needed. It appears the new drop structure at the west property line is above the grade of the parking area. Grate and invert elevations shall be clearly shown in profile on the full stormwater management system.*
5. *A full drainage report shall be submitted.*
6. *I recommend the fire department/ emergency services department weigh in on the layout of the structure as access to the west side of the structure is limited.*
7. *The limits of the proposed pervious pavement shall be shown on the plans. The limits of the impervious bituminous paving shall be shown on the plans.*
8. *Footing drain connections are not permitted to be connected to the catch basin in Midland Avenue. We strongly recommend no direct connection be made between the proposed footing drains and the Nyack Creek due to potential surcharging and back flow. Any proposed backflow devices shall be located within the subject property and not within the public ROW.*

Details Plan

1. *Site specific details of both upstream and downstream transition drainage structures shall be provided.*
2. *Twenty four inch diameter openings as noted in the manhole detail are too small to provide reasonable access for cleaning and maintenance. Thirty inch diameter should be considered at a minimum.*
3. *The underdrain noted in the detail should be removed from the curb detail.*
4. *ADA ramps and construction details shall reflect current requirements.*
5. *The drop curb detail shall be provided for the driveway. The ADA access and the driveway shall be separate. The detail provided appears to suggest they be combined. This is not acceptable.*
6. *All directional as well as identification signage shall be shown on the plans.*

Applicant-- Barry Terach-- house burned to the ground-- not here today-- Applicant Joe Lagana appearing before Board.

Members of the Board are significantly concerned by the very narrow sidewalks proposed by the building, especially in light of the prior building at the Adair. This building does not propose any entrance to Main Street and that is a significant concern to some of the members also. Chairman Klose would like the Village Planner to render an opinion about that particular planning.

Traffic proposed involves one ingress on the north side from midland and into the parking out exit is at mid point -- exit path onto Midland-- avenue-- one way in and one out -- vehicle wheel turn radii-- 12 driveway in and then counter-clockwise-- wants the turning radii-- largest vehicle-- EMERGENCY SERVICES. Generally do not want to come onto the property any other location-- 130- east to west-- The Parking Consultant shall review the site lines, and the impact on the exit location at the midpoint along Midland Avenue. the Traffic study needs to address the Public Street-- study of how many parking spots; where they are entering there is a drop curb--; site distance from exiting from the building-- goes over the site lines as they go more-- need to show the site lines in the traffic--; turning movements interior too; logistics of the snow removal-- covered area-- ; trip generation with Walgreens-- data is available for the Applicant to review and add to; need to know what the parking situation will be with the intersection and the exit; site lines to the west on 59; Bus Stop and striping-- traffic light-- regulates the intersection; sidewalk width-- street scape--; member Klose is concerned about the distance from Main Street and the width of the sidewalk-- wants to consider moving the building back off of of Main Street.

Member Voletsky is concerned about the massing of building, the use of a exit driveway as and for the center to the only major entrance to the structure, the lack of any central interior entrance way on the first floor, the use of the very same driveway entrance without any safety elements for all entrants and as and for the sole ADA entrance relative to the moving vehicles, the use of the same general area in close proximity for the storage and removal of all trash and garbage. Applicant to address. Hard to move forward without the Engineer's and Architect's input.

Eve Mancuso concerned about the transition of the Nyack brook and the storm drains. Applicant to address it.

Member Klose and the Board would like site line elevations, village planning input on the front facade elevations that are proposed and comparison of the various building distances from main street-- want to avoid the canyon feel to main street with a 40 foot tall building right on the edge of the street and bus stop. Elevations down main street and heights-- to compare the view sheds and site lines and planning aspects of the proposed size of the building.

Public Comment - Cathleen Hobner-- 54 Catherine Street-- Parking issues- very tall and very narrow. There are many new units coming to this location-- Building inspector-- established that there is no commercial- - side of the building-- along the side of the street.

Patricia Patterson-- 221 Main Street-- doesn't mind the lack of the commercial spots.

Board-- An area variance will be required from Article IV VON § 360-4.3 Dimensional Standards Table 4-1 for an FAR of 2.4 where 2.0 is permitted. Leave it open-- might change-- the Village Planner and the Village Board may be considering a change in the law, the applicant has not heard all of the arguments relative to the close proximity of building to Main Street, and so the Variance application is not ripe for consideration.

Chairman will prepare a scope of the traffic study, but is mostly concerned with the bulk and size of this building and how they will impact that intersection, bus travel, and pedestrians. All aspects of this plan remain open before the Board.

3. 45 Route 59. John Atzl for Catalyst Trading, LLC. Site Plan application for the construction of retail stores. Property is in CC Zoning District. **Approval to demolish building previously granted by ARB and Planning Board.**

Building Inspector- Variance for a lot size of 7,133 sq. ft. and rear yard of 5 ft. granted 1/29/2015. Comments received from RC Department of Planning, Town of Clarkstown Department of Planning and NYS Department of Transportation.

SEQRA – Type II action – not subject to SEQRA NYSDEC 617.5 (c) (7) – see below “construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.”

LWRP Consistency – As a Type II action, this is considered to be automatically consistent with the policies of the LWRP per the Village Code.

Village Engineer-- Engineering plans entitled “Catalyst Trade & VC, LLC” prepared by Atzl, Nasher and Zigler, dated 8/28/14 and last revised 3/5/15, sheets 1 through 5 of 5.

1. *Report entitled “Stormwater Management Design Report prepared for Catalyst Trade & VC, LLC” prepared by Atzl, Nasher and Zigler, dated 3/5/15.
I offer the following comments:*
1. *The drainage report submitted indicates porous pavement and a rain garden will be incorporated as green infrastructure to mitigate increases in stormwater runoff. The basis of both practices is infiltration or recharge of stormwater into the groundwater. To ensure the design works as intended site specific soil testing including percolation tests or permeability tests shall be performed in the location of the proposed practice.*
2. *A full design of the rain garden should be provided including an underdrain and overflow. In a high intensity rain event it appears the low point for overflow from the rain garden is towards the northeast, over the sidewalk area on Route 59. A suitable overflow should be designed into the system.*
3. *A landscaping design shall be provided for the rain garden.*
4. *The eight inch diameter pipe from the proposed catch basin to the rain garden should be increased in twelve inches minimum as any smaller sizes connected to an open storm drain system are subject to clogging.*
5. *The catch basin curb-piece shall be an environmental curb-piece with a reduced opening to prohibit trash from entering the system in accordance with the MS-4 regulations.*

6. *The plan indicates an open area in the south west corner immediately adjacent to the property line which leads to a forty two inch CMP. This was the prior outlet for the surface run-off from the existing site. A note is shown on the plan as "concrete wall to be removed". This should be re-evaluated. Removal of the concrete wall will potentially cause collapse of the embankment and failure of the existing CMP stormwater system.*
7. *There is a leader with an arrow directed towards the CMP storm drainage system. If this is intended to be a graded swale it should be so noted with elevations provided.*
8. *The plan indicates a symbol which I believe is stone behind the proposed curb. This symbol should be added to the legend and a construction detail added to the plan indicating stone size, geotextiles etc.*
9. *The property owner will remain fully responsible for the continual maintenance of the stormwater practices implemented for this site to mitigate increase stormwater runoff. A Maintenance and Operation Plan should be provided.*
10. *The item labeled "wishing well" on the plan appears to be an old potable drinking water well. Further investigation and information is needed to determine if this well is still active or if it has been appropriately closed. The applicant should provide written documentation verifying it has been closed or will be properly closed.*
11. *We recommend the utility valves, boxes, clean-outs etc. be placed within landscaped beds where possible or out of the direct wheel path of vehicles entering/egressing the site.*
12. *We recommend the orientation of the trash enclosure be re-evaluated to be less intrusive and a bit more aesthetically appropriate. If it is rotated ninety degrees and shifted towards the side property line it will be less visible. Testimony should be offered on how trash pickup will be handled?*
13. *Details for the ADA stall striping (blue) and signage should be provided. The stall length conflicts with the dimensions on the plan and should be clarified.*
14. *Detectible warning surfaces shall be shown on the plan at the ADA ramps as per the ADA code.*
15. *The proposed sidewalk along Route 59 should be labeled proposed concrete sidewalk and apron.*
16. *An apron detail indicating six inch thick, minimum, concrete with a dropped curb should be added to the plan.*
17. *The lighting plan has provided isolux contours. But no intensities. The level of lighting at each contour shall be labeled.*
18. *We recommend the concrete foundation for the light poles be raised thirty inches above the grade of the parking lot to prevent vehicles from accidentally hitting and damaging the light poles.*
19. *A detail of the facade mounted light in the rear of the building shall be provided.*
20. *The type of directional sign at each location shall be detailed.*
21. *Is an identification sign proposed at this time?*
22. *All erosion control measures shall be installed prior to any soil disturbance occurring, be maintained throughout construction and remain in place until all disturbed surfaces are stabilized.*

Applicant-- Going to be offices-- minor comments-- Village engineer -- no concerns about the engineering 2464 square feet-- access from right and then forced right turn entering the site and forced right turn out if designed properly State is going to require a five foot sidewalk-- NYSDOT review okay

Public Comment - NONE.

Board-- *Listened to the comments, concerned about the title of the application, but that will be changed to be an application for offices only. Modernization of the space, and controlled ingress and egress.*

Klose moves to close the public hearing for the site plan-- second by Voletsky-- 5-0 approved.

Board Actions and Resolutions:

Site Plan -- RESOLUTION by motion of Chairman Klose and [seconded by Englander] The Planning Board hereby grants site plan approval for application for the office renovation on plans dated 8-28-15 with five pages, and revised 3-5-15 subject to the applicant complying with all recommendations of the Village Engineer and exterior lighting all down face-- contours values and lighting plans. **Vote: Passed in favor 5- 0.**

4. **32 Tallman Avenue. Jay Greenwell for Bernard Weintraub and Ingrid Hopkins. Application for a subdivision to convert one lot into two lots.** Property is in SFR-1 Zoning District. There is no application for Site Plan and nothing of that nature will be considered.

Building Inspector-- Proposal complies with zoning requirements. Although the proposed building envelope is shown and appears to comply with zoning requirements, this is not a site plan application. The applicant has provided a storm water analysis which has been forwarded to Eve Mancuso at Brooker Engineering for her review. In addition to Planning Board approval of the subdivision, the application will also require a special permit from the ZBA. The proposed action did not require the forwarding of the application to Rockland County Planning under GML review.

SEQRA - The Planning Board has already indicated their intent to be Lead Agency and forwarded to interested and involved agencies. The information was provided to the Town of Clarkstown Planning Department. In a letter received April 2, 2015, the Town indicated that there was no objection to the Planning Board assuming lead agency status. The Planning Board can now assume Lead Agency status for purposes of SEQRA review.

Under current NYSDEC regulations, this 2 lot subdivision is considered an Unlisted Action. Village Planner reviewed the short form EAF and has not identified any significant impacts resulting from the proposed action. Unless there are other significant storm water or other engineering impacts identified by the Village Engineer, it is my opinion that the Board after reviewing the proposed action is in a position to make a Neg. Dec. on this unlisted action. This would close out SEQRA but does not preclude the Board from further review of any stormwater and other issues relating to the proposal.

LWRP Consistency – based on a review of the Coastal Assessment form (CAF), the proposed action does not appear to hinder the achievement of any Village LWRP policies and may be deemed consistent with the LWRP.

Applicant-- fully conforming -- 16,000 and 19,000 sq. ft. in lot size-- shows a generic building plot, on sheet 2 the proposed dwelling is set back -- more-- provision in the code 59-5.2 (3) (f) -- permits to have house to sit back-- generic rendition of where the house might go-- Bulk table will reflect the law that permits. The sewer lines need to be located and moved if necessary-- The board expressed agreement that the house should not be set back too far and that the applicant should establish a note on the plat that commented about where the front yard set backs might be.

Public Comment - NONE.

Board-- Member Keene speculating about subdividing effects on tax map issue. This is a simple subdivision, complicated only by the fact that the code is unclear as to the location of the buildable space.

Board did not identify any significant environmental impact, but the planner and village attorney were not present so no Neg Dec was considered. The applicant wanted to confirm that the Village of Upper Nyack had no real feelings one way or the other about the sub-division. So, the sub-division remains open for the neg dec.

5. **112 Sickles Avenue. Robert Silarski for Bruce Beck and Tama Shore. Site Plan application for one story addition and recommendation to Zoning Board of Appeals.** Property is in TFR Zoning District. ARB granted approval on 3/18/2015, and offered positive recommendation to ZBA for required variances.

Building Inspector-- Per Article I VON§360-1.9E an area variance is required from Article IV VON§360-4.3, Table 4-1 Dimensional Standards for the alteration/enlargement of a building with the following dimensional and developmental non conformities: existing west side yard setback of 2.8 ft. where 6 ft. is required.

Per Article I VON§360-1.9(a) a new nonconformity is being created with the proposed addition encroaching into require 6' west side yard. An area variance is required from Article IV§ VON 360-4.3 for a side yard setback of 4'.1" where 6' is required for the proposed addition.

SEQRA – Type II action – not subject to SEQRA NYSDEC 617.5 (c) (9) – see below-- “construction or expansion of a single family, a two-family or a three-family residence on an approved lot ...”

LWRP Consistency – As a Type II action, this is considered to be automatically consistent with the policies of the LWRP per the Village Code.

Applicant-- drainage for the downspouts-- existing non-conformity. This will be a benefit to the remaining and surrounding properties and will assist this homeowner with their living space, applicant agrees that all lighting will be wall mounted sconces on covered light-- down facing.

Public Comment - NONE.

Board-- ARB looked at it and said it is okay-- other houses in the vicinity are also - garage on property. Improvement to the neighborhood

Klose moves to close the public hearing -- second by Keene-- 5-0 approved.

Board Actions and Resolutions:

With respect to SEQRA-- Type II Action

*Variances-- RESOLUTION By motion of Chairman Klose and seconded by Keene that the planned improvements are being made to a pre-existing nonconforming use, and that all new elements are in compliance with the height, setbacks and various codes, and because the project appears to follow the Village Board's recommendation to increase the shape, heights and space in the downtown area, will enhance the neighborhood by providing the residents with pleasing and appropriate addition-- so the Planning Board hereby makes a positive recommendation to grant the **area variance** from **Article IV VON§360-4.3, Table 4-1 Dimensional Standards** for the alteration/enlargement of a building with the following dimensional and developmental non conformities: existing west side yard setback of 2.8 ft. where 6 ft. is required. Similarly, the planning board recommends to the ZBA that it grant the requested variance from **Per Article I VON§360-1.9(a)** a new nonconformity is being created with the proposed addition encroaching into require 6' west side yard and the **area variance** from **Article IV§ VON 360-4.3** for a side yard setback of 3'.8" where 6' is required for the proposed addition. **Vote: 5 – 0 in favor.***

Site Plan-- the Planning Board proposed by Klose and second by Jean-Gilles resolves to grant the site plan upon approval of the ZBA as to the requested variances, plan dated 3-20-15 with two page A-1 and A-2 subject to reasonable conditions imposed by the ARB and ZBA, with all exterior lighting down facing and appropriate and discretionary landscaping to be selected by the applicant. Passed by vote of 5-0.

6. **263 Main Street. Bart Rodi for Rockland County Action Coalition. Site Plan application to demolish existing building and construct a thirty three (33) dwelling unit, three story multi-family residential building and a recommendation to Zoning Board of Appeals.** Property is in DMU Zoning District.

*Building Inspector -- Proposal is to demolish single story structure and construct a three story multi-family apartment building with parking below ground. Property is in both the DMU (Main Street) and TFR (Depew Avenue) zoning districts, with the rear of the building encroaching into the TFR 25'+/-. An **area variance** will be required from **Article II VON 360-2.2C** which states: "**Lots in two or more districts.** Where a single lot is divided by one or more district boundary lines, the regulations for the less restrictive portion of such lots shall not extend into the more restricted portion of the lot."*

An **area variance** will be required from **Article IV VON§360-4.3 Dimensional Standards Table 4-1, footnotes (g) and (k)** which requires a 15' rear yard building setback from an adjacent residential zone (TFR).

With a density of 50 units per acre and a ½ acre parcel of land 25 Dwelling Units are permitted by right. The applicant proposes to implement green infrastructure incentives which will bring the number of permitted DU's to the requested 33.

PARKING

Per Article IV VON§360-4.5B (3), the current use of a 5,040 sf retail space requires 13 parking spaces (5,040/400 =13). With a change of use the zoning code requires off street parking to be met by calculating the difference of parking requirements between previous and new use. In this case,

proposed use requires 43 spaces with 41 being provided. Previous retail use required 13 spaces (43-13=30) required spaces with 41 provided. Parking requirements are deemed to be met. Applicant returns with design changes as discussed at recent workshop meeting with ARB.

ARB approved application with conditions agreed to by applicant. They offered a recommendation to Planning Board regarding front yard plantings but declined comment on required variances.

SEQRA – The Planning Board declared its intent to be Lead Agency in January 2015. There have been no objections received and the Board can now assume lead agency status for SEQRA review.

LWRP Consistency – the Planning Board will be responsible for an LWRP consistency determination for this proposed action.

Village Engineer-- Engineering plans entitled “Site Plan, Proposed Affordable Housing, RHAC” prepared by Bart M. Rodi, dated March 25, 2015.1/7/15, 3 sheets.

- 1. Architectural plans entitled “Nyack Point Apartments”, prepared by Coppola Associates, dated 3/10/15, sheets A1 and A2.*

Preliminary Site Plan

- 1. The drive aisle to access the garage is limited in width to 13.3 ½ inches from the face of the structure to the west property line. This dimension is potentially going to be further reduced if curbs are introduced to line the drive and protect the structure from vehicles and snow plows.*
- 2. Wheel turning movements for the entrance/ exit aisle into the garage should be provided.*
- 3. Although there is a grade differential between Main Street and Depew Avenue has any conceptual plans been developed with a through aisle for access/ egress to the garage on the north and south facades, as opposed to the west side entry? There appears to be a 14 feet differential which translates into a 5% gradient. The entry could be from Main Street with an entry/exit from Depew Avenue. The building could be shifted west a bit to provide more light and air along the east property line. The very narrow drive aisle into the garage could be avoided. The proposed drive aisle could then become green space.*
- 4. Sidewalk width along the full property frontage(s) should be provided for Main Street and Depew Avenue.*
- 5. Compliant ADA access shall be shown. It appears the only access to the elevator for a non-driving person is along the active drive aisle, which doesn't provide full width for a sidewalk along the drive aisle, and continue to travel through the full length of the garage. It appears the elevator may be better suited to be placed on the north end of the structure near the entry lobby. The ADA stalls could be re-located accordingly.*
- 6. Consideration should be given early in the design process to accommodate landscaping and shade trees along the property frontage(s).*
- 7. Consideration should be given early in the design process to accommodate stormwater management.*

8. *A full Site Plan submission including a boundary and topographic survey, grading and utility plan, lighting, landscaping, erosion control and construction details should all be provided in accordance with the Village Code.*

Applicant-- Eve Mancuso-- discussed the grade differential-- wants to know about the current configuration-- looking at the logistics utilizing the ADA access -- re: the entrance on Main Street-- perhaps more centering the building

ARB--is objecting to the driveway being a through the site--however, the planning board believes that that would have been a normal and proper treatment. Issue is that the ARB considered the configuration first. THERE SHALL BE NO ENTRANCE TO MAIN STREET--AND SITE PLAN SHALL PROHIBIT ENTRANCE TO MAIN STREET.

A discussion ensued regarding the general layout of the building changes to which the Applicant attributed at least in part to information or suggestions it received from the ARB. Board member Voletsky requested information regarding the buildings elevators. There is only one and that one that serves for ADA compliance and is, under the current drawings, located in the rear of the building and appears that it can only be accessed by anyone entering from Main Street by walking through the length of the building garage/parking area - thereby requiring anyone unable to use the stairs to negotiate much if not all of the garage area.

Public Comment - NONE.

Board--

Board Actions and Resolutions:

With respect to SEQRA-- Just a recommendation to the Village Board and has been referred out to Rockland County-- this is not within the purview of the Planning Board.

*Variances-- RESOLUTION By motion of Chairman Klose and seconded by Keene- that the planned improvements are being made to a pre-existing nonconforming use, and that it appears appropriate addition so the Planning Board hereby makes a positive recommendation to grant the **area variance** Property is in both the DMU (Main Street) and TFR (Depew Avenue) zoning districts, with the rear of the building encroaching into the TFR 25'+/-. An **area variance** should be granted with respect to **Article II VON 360-2.2C** which states: "**Lots in two or more districts. Where a single lot is divided by one or more district boundary lines, the regulations for the less restrictive portion of such lots shall not extend into the more restricted portion of the lot.**"*

*In addition, the planning board is inclined to recommend to the ZBA that An **area variance** be granted from **Article IV VON§360-4.3 Dimensional Standards Table 4-1, footnotes (g) and (k)** which requires a 15' rear yard building setback from an adjacent residential zone (TFR). **Vote: 4 – 0 in favor (Jean-Gilles abstains).** Applicant had a third variance request relative to the size of the apartments being at least 450 square feet -- not six hundred square feet- Planning Board would be inclined to recommend such variance for the smaller units but as the Board Planning has been*

advised that the Village Board is in the process of amending the current law to reduce the permissible size of the apartment(s) to the general size requested by this applicant, the Planning Board see no need to make a formal recommendation on this item.

SITE PLAN REMAINS OPEN.

- 7. 400 High Avenue. John Krupa for NYLO. Site Plan application to place previously approved retaining wall on two parcels of recently acquired property to the south. Property is in M (Manufacturing) zoning district. This property will be part of a future subdivision and amended site plan application. Proposal complies with zoning requirements.**

SEQRA – *The proposed action is an amended site plan which involves the moving of an already approved retaining wall a short distance to the south on recently acquired property. The Board should indicate that this proposed action is relatively minor and has already been reviewed by the Board as part of its SEQRA review of the larger project which resulted in a Neg. Dec. by the Planning Board.*

LWRP Consistency – *the proposed action would also be considered to be consistent with the Village’s LWRP policies since it was included as part of the Board’s review of the larger project.*

Applicant--looking to redo the sub-division and two parcels in the front-- apply for building permits to moving the retaining wall eight (8) feet. Eve has not seen the plans-- one big lot --

Public Comment - NONE.

Board-- subject to review of the site plan and provision of the deed by the title from the past owners.

Board Actions and Resolutions:

With respect to SEQRA-- Just an amendment.

Site Plan-- *Klose proposes and Englander seconds the Planning Board resolves to grant the site plan to build the retaining wall on the adjoining parcels - and subject to provide ownership of the parcels and subject to future application of the sub-division. Passed by a vote of 5-0.*

OTHER BUSINESS-- Motion to adjourn by Chairman Klose, seconded by member Voletsky - passed by a vote of 5-0. Meeting adjourned at 10 PM