

**Members Present:**

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

**Also Present:**

Walter Sevastian, Village Attorney  
Don Yacopino, Building Inspector  
Bob Galvin—Village Planner (present)

**Absent:** 0

**Other Business:**

A motion was made by Chairman Klose, seconded by Member Keene, to accept the March 4, 2013 Minutes. Passed 4-0. Englander moves Voletsky second -- Approved 5-0.

**1. 160 North Midland Avenue. LRC Engineering and Surveying for Nyack Hospital. Informal discussion for improved stormwater management at Route 9W entrances and internal site work.**

**Building Inspector--** *This primarily requires input from the Village Engineer. An official escrow account must be approved at this time.*

No new development-- mostly curb work-- other work not under consideration -- Escrow will be submitted--

Chairman Klose requested that stormwater and green infrastructure work and plans be submitted, but appeared that curbing and greenery would be updated and made more current.

Unlisted action motion by Klose that Planning Board declare itself as lead agent for SEQRA purposes. Second by Voletsky, Vote 5-0 to declare itself lead agency.

**2. 235 High Avenue. Eric Osborne for David Makan, DM Equities. Site plan application to demolish existing house and rear yard garage and construct a new single family home. Property is in TFR Zoning District.**

*Building Inspector--Current proposal reflects result of recent, 3/6/2013, ARB workshop. Proposed drainage calculations have not been supplied for the possible increase in permeable surface created by the increased size of the house.*

*Per VON§360-5.16B(3)&(6) the ARB shall offer an advisory recommendation prior to review by the Planning Board, which will make the decision to permit demolition of existing house. Engineer's report regarding structural stability of house referenced.*

*Proposal complies with zoning requirements. Conditional ARB approval and recommendation to Planning Board for demolition was granted 3/20/2013.*

*NO APPEARANCE by the Applicant.*

**3. 165 North Broadway. Steve Guaracio. Site Plan application to add portico roof over existing patio at main entry door. Property is in OMU Zoning District.**

*Building Inspector- Conditional ARB approval was granted 3/20/2013.*

Front porch removed and front doorway uncovered-- application to add a portico to the front of the house -

Type II action no SEQRA determination required--

Appears to be an overall improvement to house with prior approval by ARB

Klose moves to accept the plans drawn by Seth Glasser-- dated 1-28-2013 and site plan approval for the proposed portico accepted as proposed, subject to reasonable conditions by ARB and that all exterior lighting be down facing and shielded from neighbors. Second by Keene and vote 5-0 approved.

**4. 31 Tallman Avenue. Anthony Campbell. Tree removal application. Property is in SFR-1 Zoning District.**

*Building Inspector--Arborist's letter included.*

Applicant seeks to remove a plumb tree-- scraping against the house plans to re-do the access to the rear of the house-- japanese maple-- will stay--

no objections- by neighbors

Type II action-- for SEQRA-- no action needed

Klose moves to grant removal of the tree application dated 3-7-2013-- second by Englander-Vote 5-0 approved.

**5. 16 Haven Court Kier Levesque for Amelie Southwood. Site plan application for two rear yard additions, extend rear porch and construct a rear yard shed. Property is in TFR Zoning District.**

*Building Inspector-- Per Article I VON§ 360-1.9E, with the alteration of existing building, an area variance is required from Article IV VON§ 360-4.3 Dimensional Standards, Table 4-1 for a preexisting side yard of 4ft 6in. where 7ft5in. is required..*

*Article I VON§360-1.9E: Nonconforming buildings. The alteration, enlargement or horizontal extension of a building that is nonconforming with respect to dimensional and development*

*standards, as specified in Article IV of this chapter, shall require a variance from the Zoning Board of Appeals. The increase in the height of a wall or roof that is nonconforming is prohibited. ARB approval and positive recommendation to ZBA was granted 3/20/2013.*

Type II action-- SEQRA

Kier Levesque-- requests approval for the additions and the shed. Englander likes the plan.

Planning Board approval for location of the shed-- site plan approval for the location of the shed-- Klose moves to accept location of the site plan dated March 5, 2013. Second by Voletsky-- 5-0-- approved.

Klose moves to approve the second story addition of existing bath and increase in the size of the kitchen on the first story. One story addition on the rear replacement of the rear porch to become conditioned space living space-- elevations A-2- dated March 5, 2013, Keene seconds-- vote 5-0-- approved.

Klose moves before the Planning Board to make a positive recommendation for the non-conforming conditions where 7.5 feet are required but the applicant has only 4.6 feet-- existing on the grounds that the application is continuing the existing condition, appears to have no adverse impact surrounding properties and is sized appropriately for the conditions- subject to reasonable conditions imposed by the ZBA-- and all wall mounted exterior lighting be down facing-- Englander seconds-- Vote 5-0-- positive recommendation.

**6. 143 North Broadway. Kier Levesque for Kate Whitney and Frank Thomas. Site Plan application for front porch addition, rear one story addition and grass/paved parking area with curb cut. Property is in TFR Zoning District.**

**Building Inspector.** *Per Article I VON§ 360-1.9E, with the alteration of existing building, an area variance is required from Article IV VON§ 360-4.3 Dimensional Standards, Table 4-1 for a pre-existing front yard of 8.36ft where 14ft is required. Proposed curb cut on Broadway will require Planning Board approval.*

*Article I VON§360-1.9E: Nonconforming buildings. The alteration, enlargement or horizontal extension of a building that is nonconforming with respect to dimensional and development standards, as specified in Article IV of this chapter, shall require a variance from the Zoning Board of Appeals. The increase in the height of a wall or roof that is nonconforming is prohibited.*

*Proposal received conditional approval from ARB on 2/20/2013 and positive recommendation to Zoning Board of Appeals.*

Presentation-- Kier Levesque-- Whitney/Thomas-- before the Planning Board for approval and recommendation to the ZBA -- for the site plan and non-conformities. Replacing a porch from the 1800s and then one story addition for the garage to main house-- rear exit.

Balancing issue for all involved with the property-- Planner and the Village Engineer unanimously stated that better planning practices would be to have the curb cut on the side street-- Ackerman Lane-- echos the better planning process for the garage and side street maintain the parking Englander, Voletsky and Klose-- all believe that it would be better for the village that the expanded driveway be left or expanded on Ackerman-- but not placed on North Broadway..

By prior action, the Planning Board issued a positive recommendation for the site plan variances, but that meeting with the ZBA will be held the same night.

*Village Engineer--With respect to the Site Plan issue concerning the curb-cut and parking area in the front yard on North Broadway, the Village Engineer weighed in with the following comments:*

- *The subject property is a corner lot on the northeast corner of North Broadway and Ackerman Lane. As with any corner property it is always preferred to utilize the less traveled road for site access due to safety concerns. It is preferred to avoid backing out of driveways onto a busy road whenever possible.*
- *There is sufficient land area to the east of the existing drive on Ackerman Lane provide an additional parking area.*
- *The architectural plans provided indicate the mud room entrance is in the northeast corner of the dwelling. As such, the distance from a proposed parking area east of the garage to the mud room entrance to the dwelling would be a shorter distance if not the same distance as any proposed parking area to the north of the dwelling off of North Broadway.*

Applicant submitted a letter wants to walk from the front street-- to the front street- temporary parking on North Broadway will permit easy access to the front steps-- but most Board members feel this creates an undesirable and/or unsafe situation.

Type II action for SEQRA-- no action needed

With respect to the Site Plan--Englander notes that corner properties-- mostly do not permit backing out onto the street -

Member Jean-Gilles-- as to the general street condition of North Broadway -- never occurred to him that it functions as a corner property and is not concerned.

Board Action-- Klose makes a motion to accept the Site Plan and application to be approved as drawn (plans dated 1-31-13-) subject to the following conditions:

- 1- the final certificates of occupancy shall not be issued by the Building Inspector until he has confirmed that all exterior ambient lighting is installed as down facing and shielded to reduce or minimize the impact on the neighbors;
  - 2- the applicant complies with all reasonable conditions of the ZBA or the ARB;
  - 3- that no north (Broadway) curb cut be permitted or installed in the north yard.
- (Seconded by Keene-- Vote was 4-1- approved). With member Dan Jean Gilles noting that he would have voted for the Curb cut on north property.

**7. 150 Burd Street. Kier Levesque for Alex Vursta. Continuation of site plan application to demolish existing commercial buildings and construct new multi-story, mixed use building. Property is in DMU Zoning District.**

*Building Department -- Current proposal is a change from previous application. Number of dwelling units has been decreased to 13. Properties now exist as two separate lots. Proposed building sits on a lot 63'x63' (3969 sq.ft.). To take advantage of lot size calculations based on combined lots of 8365.85 sq.ft. a subdivision will be required by Article IV VON§360-4.13F to combine the two lots.*

*Density requirements of 30 dwelling units per acre permits the creation of 6 DU's on these parcels. An area variance will be required from Article IV VON§360-4.3 Table 4-1 for 7 dwelling units where 6 are permitted and 13 dwelling units are proposed. Applicant is seeking to establish of one affordable housing unit-reducing the required variance from 7 DU's to 6 DU's.*

*Per Article IV VON§360-4.3 Dimensional Standards Table 4-1 an area variance will be required for a 4.5 ft. proposed rear yard setback above the first floor where 15 ft. is required.*

*Per Article IV Von§360-4.3 Dimensional Standards Table 4-1 an area variance will be required for 8 Dwelling Units of less than 600 sq, ft, where 600 sq,ft, is required.*

*14 parking spaces are assigned to the current use of property, (8 for offices + 6 for retail).14 spaces are required for current proposal (3 for offices + 11 for efficiency units). No additional parking spaces are required but 9 are being provided.*

Nyack Planning Board—April 1, 2013

*The application was last before the ARB January 16, 2013 at which time general agreement with the proposal was expressed including the requested variances. Various design elements remain to be approved.*

*Minutes of the Nyack Architectural Review Board Meeting January 16, 2013 / 7:30 p.m.*

*[Item 3] 150 Burd Street. Kier Levesque for Alex Vursta. The proposal has changed since last presented to the Board. The building size has been reduced dramatically, there is no longer a proposal for an underground parking structure, and parking is adjacent to the building on the east side with planned access through the existing Wells Fargo parking lot, which would need to be negotiated by the applicant.*

*There are many variances required as there are more dwelling units proposed, and there are dimensional standards required, setback requirements, rear yard, side yard, et cetera. The Board discussed at length the application, the reduced size and scale of the newly proposed building, the lot size calculations, the scale of the building, the concept of the proposed building, and had no issues with the concept proposed. The visual aspect of the building and the size and scale of the building with the setbacks with balconies was deemed appropriate by this Board. The Board has no objection to the requested variances based on their impact on the exterior visual elements of the building. The Board members were not willing to discuss the variance for the amount of dwelling units requested on the interior. The building could potentially assume this exterior form with fewer units inside.*

*It was noted that this is a preliminary review of the revised application. There was no public comment at this point, and the Board has requested that the applicant develop the elevations more based on comments from this Board. The Board felt that the setbacks were appropriate, that the recesses in the building and the front and rear balconies helped to reduce the overwhelming scale of the structure. The Board felt that the overall form of the building was appropriate however requested changes to the detailing on the facades. There were comments as follows: 1. the second-story canopy and crown on the front façade was overbearing in scale; it appeared more powerful an element than the ground floor crown; 2. the columns for the second story canopy appear underscaled; 3. the proposed first floor stucco was not appropriate to the building, and that patterned or multicolored brick, might be a better solution; 4. the first-floor elevation had large storefront style windows that would not work well in this location, that is likely to be office rather than retail use; 5. The style and scale of the first floor was not in harmony with the balance of the building.*

*There were also comments that the back of the building could be made more lively. The architect argued that he didn't want it to appear as another front façade. The Board felt that it didn't have to mimic the front, but needed to be interesting as it was highly visible from Main Street.*

*The street curb/planter bump out was also discussed. The Board requested that the view of the street with the bump out and the buildings be presented for review. The application remains open for further review.*

Unlisted action-- requires - SEQRA determination before referral to the ZBA--Member Klose explained the process, Applicant asked what would be permitted. Explained that there are no promises, and no rulings on hypothetical situation, but the real remedy here is the Village Board, because the Planning Board is not at liberty to re-write the law through variances.

Applicant has mitigated the storm water controls-- reduced the number of apartments-- sent a letter that all of the studio apartments be re-labeled -- from studio to efficiencies -- 484 to 900 square as efficiency apartments reduced the requested density to 13 from 15, and asks that one workforce housing be used to the density -- Planning Board may provide a 10% bonus on otherwise allowable bonus-- code permits PB to make that decision-- don't know whether -- code provides a 10% provide one additional unit bonus to offset the affordable unit-- if he builds it as condition of approval.

With respect to the density, the Planner has been discussing a density increase with the Village board and is contemplating a recommendation for “infill” zoning text changes-- looking to do an in fill housing-- permitting the applicant to consider more units on smaller scale-- green infrastructure might also give some credits for density-- HOWEVER NONE OF THESE items are in the code as of this date-- and planning board was not about to grant the variances requested.

Member Klose -- very concerned about a 86% variance 6 of 13 units-- the existing DMU does not permit this, and for the Planning Board to approve under these circumstances seems to a “slippery slope”-- this is a very difficult issue

Application is continued.

**8. 400 High Avenue. Kerry Wellington for WY Management. Property is in Manufacturing (M) Zoning District. Proposed site plan application to demolish portion of existing building and construct a multi story hotel, a subdivision application to merge separate parcels comprising proposed site plan and recommendation to Zoning Board of Appeals. Hotel is a permitted use in the M district by a Special Use Permit from the Zoning Board of Appeals. 132 room hotel.**

*On March 4, 2013 the Village of Nyack Planning Board assumed lead agency status for this unlisted action under SEQRA. As part of the Planning Board’s evaluation of the NYLO Hotel long form EAF, the following documents have been reviewed by the Planning Board:*

**Drawings**

- *Architectural and Engineering Plans entitled “Nyack NYLO Hotel prepared by Environetics, Group Architects and McLaren Engineering Group dated 1/17/13.*
- *Drawing C-100 “Overall Site Plan”, prepared by McLaren Engineering Group dated 1/2/13.*
- *Drawing L-100 “Landscaping Plan, NYLO Hotel”, prepared by Environetics Group Architects and JMC, John Meyer Consulting dated 1/30/13 and revised 3/14/13.*
- *Subdivision Plat prepared by McLaren Engineering Group dated 3/14/13.*
- *“Nyack Hotel Survey” prepared by McLaren Engineering Group dated 9/20/12.*

**Environmental Forms**

- *Coastal Assessment Form (“CAF”) dated January 3, 2013 and revised March 19, 2013.*
- *Long-Form Environmental Assessment Form (“EAF”) dated January 2, 2013 and revised March 15, 2013.*
- *Environmental Assessment Form, Part 3, NYLO Hotel, prepared by McLaren Engineering Group for WY Management, LLC dated January 2013 and revised March 12, 2013.*

**Correspondence**

- *County of Rockland Department of Planning, GML Review: NYLO Hotel, Letter to the Village of Nyack Planning Board from Thomas Vanderbeek, PE, Commissioner of Planning, February 25, 2013.*

Nyack Planning Board—April 1, 2013

- County of Rockland Department of Planning, GML Review: NYLO Hotel, Letter to the Village of Nyack Zoning Board of Appeals from Thomas Vanderbeek, PE, Commissioner of Planning, February 25, 2013.
- Rockland County Department of Health, Letter to Village of Nyack Planning Board from Scott McKane, PE, Senior Public Health Engineer, February 4, 2013.
- New York State Thruway Authority, Letter to Village of Nyack Planning Board from Kristen Resnikoff, Division Capital Program Manager, February 18, 2013.
- County of Rockland Drainage Agency, Letter to Village of Nyack Planning Board from Vincent Altieri, February 25, 2013.
- Town of Clarkstown Department of Planning, Letter to Village of Nyack Planning Board from Shirley Thormann, Chairwomen of Planning Board, March 5, 2013.
- County of Rockland Department of Highways, Letter to Village of Nyack Planning Board from Sonny Lin, PE, February 11, 2013.
- Department of Environmental Management and Engineering, Town of Orangetown, Letter to Village of Nyack Planning Board, February 1, 2013.
- New York State DOT, Letter to Village of Nyack Planning Board from Mary Jo Russo, Rockland County Permit Engineer, February 8, 2013.
- Adler Letter dated April 1, 2013-- addressed

**Reports/Memorandums**

- JMC, John Meyer Consulting, Traffic Study for NYLO Hotel Nyack, December 29, 2012.
- JMC, John Meyer Consulting, Supplemental Traffic Information for the Village of Nyack Planning Board, February 21, 2013 and revised March 14, 2013.
- JMC, John Meyer Consulting, Memorandum to Village of Nyack Planning Board: Response to Adler Consulting Comments, March 14, 2013.
- Bernard Adler, PE, President and Michael O'Rourke, PE, Senior Associate, Review of JMC Traffic Study, Adler Consulting, March 4, 2013.
- Michael Mueller, CEO, NYLO, Parking for NYLO Hotel, Analysis of Parking and Comparable NYLO Properties, March 7, 2013.
- Eve Mancuso, PE, Memorandum: Site Plan Review for NYO Hotel, Brooker Engineering, February 1, 2013.
- Steven L. Grogg, PE, VP, Stormwater Pollution Prevention Plan (SWPPP) NYLO Hotel, McLaren Engineering Group, January, 2013.
- Eve Mancuso, Review of SWPPP for NYLO Hotel, Brooker Engineering, March 4, 2013.
- Steven L. Grogg, PE, VP, Memorandum: Response to Brooker Engineering Comments, McLaren Engineering Group, February 19, 2013 and March 18, 2013.
- Village of Nyack Board of Trustees, Resolution of Nyack Village Board to Obtain Real Property by QuitClaim Deed and to Convey Real Property by QuitClaim Deed, February 28, 2013.

**Building Inspector:**

*Per Article I VON§360-1.9E an area variance is required from Article IV VON§360-4.3 Dimensional Standards , Table 4-1 for existing nonconforming Dimensional Standards of 9.1 ft. north front yard, where 20 ft. is required and 14.4ft east side yard, where 20 ft. is required.*

**DURING (2/4/2013) MEETING-- POSITIVE RECOMMENDATION TO THE ZBA FOR --** During Last Meeting - Subject to further traffic and landscaping improvements for the intersection of the lot driveway and Cemetery Lane, the Chairman proposes to make a positive recommendation to the ZBA concerning the pre-existing non-conformity on the ground that the re-use of the existing steel structure will be beneficial, is environmentally a sound practice and the condition is pre-existing, and not proposed to be increased. Seconded by Jean Gilles and approved 4-0.

*Area variances are required from Article VI VON§360-4.3 Dimensional Standards, Table 4-1 for a Building Height of 51.7 ft. where 35 ft. is permitted, and four (4) stories in height where two (2) stories are permitted.*

**DURING (2/4/2013) MEETING--** In the case, the applicant is seeking an increase in the height of the structure to accommodate additional rooms, better vistas, and more amenities. The overall site plan will be benefitted by the increase of the height as it will attenuate the noise of the thruway for the condominiums and improves the site view for the neighbors to the north. the requested variance is also mitigated by the fact that at the visual current height is 35' and the view from the north to the south is actually only three stories from the north side, which is where residents of the village would be affected. Motion FOR A POSITIVE RECOMMENDATION to issue a positive recommendation to the ZBA is made by the Chairman, second by Dan Jean-Gilles, and approved 4-0 (February).

*Properties must be merged by way of a subdivision per Article IV VON§360-4.13F(2) and submitted site plan must indicate all tax lots in question. Proposal is to combine several parcels of land residing in both the town of Orangetown and the Town of Clarkstown which comprise the property at 400 High Avenue.*

*Article V VON§360-5.8C(2) provides a comprehensive list of Preliminary Plat items to be supplied on preliminary plat-some of which, including the following items, do not appear to be there:*

1. *Exact boundary lines of zoning district.*
2. *Location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.*
3. *Approximate locations and size of all proposed water lines, valves and hydrants and sewer lines and fire alarm boxes; connections to existing lines or alternate means of water supply.*
4. *A title abstract, and a municipal violations report indicating that the premises are free from violations.*

5. *Storm drainage plan indicating the approximate location, size, type of storm drains and their proposed lines and profiles. Connection to existing lines or alternate means of disposal.*

6. *Plans for sanitary sewers, connections to existing lines or alternate means of treatment and disposal.*

Applicant wants to dispense with the Site Plan/Sub-Division issue--#5 and #6-- note on the map that all of the drainage is listed - in the Site Plan dated \_\_\_\_\_. Issue with the connection with the Sewer District-- rehabilitate the sewer pipes-- Building Inspector requires notes, understanding or agreement-- The applicant mentions Orangetown-- modify the existing Village Attorney-- okay with the title report. The NOTES will be added and it will be noted in the final approval resolution.

Brooker Engineering memo date march 27th #2-- memo discusses current right of way width-- 30- 33 feet.-- engineer wants us to consider the offer of 25 feet of the center line- Cemetery Lane--If applicant would add 10 feet to a right of way for Cemetery Lane-- defacto driveway-- building is there, so we don't need the property on Cemetery Lane-- on sub-division -- show High Avenue-- cannot hurt to widen Right of Way-- recommendation for 25 foot dedication appears not to be necessary.

*Final subdivision plat approval requirements are found in VON§360-5.8D. Of particular interest with this application will be 360-5.8D(3)(e) and the status of sewer connection requirements with the Orangetown Sewer District.*

Planning Board requires safe and sanitary sewer connection, and no building permit and final approval will be issued that is not subject to the disposition of this proposal-- As a condition of moving forward there must be safe and adequate conditions to the satisfaction of the Town of Orangetown.

*Article III VON 360-3.2B(4) USE-SPECIFIC STANDARDS:*

*(4) Hotel or motel. Hotels or motels providing more than 100 guest rooms shall include recreational facilities on site such as swimming pools, gymnasiums and other typical health club facilities, and open space recreation areas.*

An area variance would be required if applicant proposes not to meet these requirements. The hotel shall include such facilities such exercise or health facilities as defined under the code which makes reference via language that states "such as..." . The Applicant contends the Building Inspector's interpretation that a swimming pool is required is an over reading of the code as reference is made therein to a number of examples, none of which, or, collectively all of which are not clearly, specifically mandated and that as long as some examples or similar facilities are

provided that should be adequate. Further, even if the Building Inspector's interpretation requiring a "swimming pool" is determined to be correct, then, as "swimming pool" is not a defined term under the code a common -- common usage-- dictionary-- definition is broad, applicant contends that the "water soaking pool" they are already planning at a size of 12 by 12 by 4 feet -- should be interpreted in favor of the applicant, as pool. Additionally Applicant would request in the event of an unfavorable determine on the definition/pool issues, that a variance be granted. Threshold issue is whether applicant needs to provide a pool and if so, is a 12 by 12 by 4 foot deep--"pool" sufficient.

Planning Board makes a finding of fact that the applicant has provided a "health and fitness facility" has proposed-have open space area, and there is a 12 foot by 12 foot area for wetting oneself-- and additionally will have a fitness(exercise) room.

Klose recommends that in the event that the interpretation of the building inspector requiring a swimming pool is not overturned by the ZBA-- **then the Planning Board would recommend that the variance be granted in this situation because the soaking pool has been provided by the applicant together with several other facilities as demonstrated by the outside space, bike fitness center, and bike rack, Voletsky second for the positive recommendation Vote- 5-0.**

*INTERIOR PARKING lot turning radii has been submitted. Building Department and Fire Department agree that access around the building has been provided. The primary area of concern, shared by both the Building Department and Fire Chief, is the south elevation proposed main entry and drop off point and the maintenance of 20 ft. clear access needed at all times for fire apparatus as required by the following sections of the Fire Code of New York State:*

*§F503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), except for approved security gates in accordance with §F503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm). Fire apparatus access roads shall also meet the width requirements of §FD103.1 and §FD105of Appendix FD.*

*§F503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in §F503.2.1 shall be maintained at all times.*

THIS CONDITION HAS BEEN RECTIFIED ON CURRENT SITE PLAN REVISION.

*Other areas of concern for fire department access to building are the three parking spaces at north west elevation (can they get close enough to the building to fight a fire?), and building egress patterns of approximately 425 person occupant load on the first floor alone (will they all be*

*attempting to get out of the building at the main entrance with a fire truck parked at the front door?).*

*Of further concern are the following unresolved issues with the Fire Code of New York State:*

*A-- §FD103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm). See Figure FD103.1.*

Will relocate the fire hydrant. New Site Plan-- will address this issue-- relocate the hydrants-- no parking-- drop off in the front of the building--

***B--AERIAL FIRE APPARATUS ACCESS ROADS***

***§FD105.1*** *Where required. Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.*

***§FD105.2*** *Width. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.*

***§FD105.3*** *Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.*

Required access road width of 26ft. at hydrant has not been maintained. Applicant will get this on the plan, will be walking the site with the fire inspector-- for the May meeting.

A clear width of 26ft. has not been provided along one entire side of building, located a minimum of 15ft. form the building, for Aerial Fire Apparatus vehicles.

Fire access road signage language does not comply with that found in Appendix D of the Fire Code of New York State sections D103.6 and D103.6.2. See Attached.

There appears to be a discrepancy between site plan and supplied colored perspective renditions. Specifically, at the main entrance, a projection of the entranceway is shown which does not appear on the site plan.--

***#14 on Engineer's March 24th memo.-- to be added to the site plan***

*It appears that 14 signs are being applied for.11 require variances*

*Parking Issues*

The applicant spoke to NYSDOT about the process -- the improvement that the Village undertakes called the TIP-- gets done-- municipality has to make the application- estimated cost is \$15,000.

Adler Consulting letter dated 4-1-13-- issues respond-- Saturday analysis was provided for two intersections-- from the Walgreen's traffic study-- adjustment for the restaurant traffic Saturday and Friday evenings-- urban land institute-- ULI 55% factor of adjustment-- bottom line that the estimates are still conservative and appeared not to be a big issue.

Queuing on Route 59 and 9W-- timing changes the eastbound turn lanes.

Timing on light at high avenue and 9W-- coordinating the timing Applicant will submit to the NYSDOT timing and implementation for intersections along Route 9W and 59 and 9W and High. Adler opines that there will only be minor changes to the level of service on page 3 of Adler 4/1/2013 letter.

Consultant--Adler-- applicant's engineer declined to paraphrase from the village expert-- would like some analysis of Saturday mid-day-check out 11 and in at 3PM-- site driveways not as important.

Board was significantly concerned with the illegal left hand turns from Route 59 to the Mobil station and towards Polhemus and would discuss with village trustees need to extend the barrier down Route 59 toward the Village. Applicant can do nothing, but did suggest the changes of a 32 foot increase in the raised curbing.

Applicant will work with and solicit NYS Department of Transportation-- timing-- mechanism-- provide timing of the lights-- looking for verbiage addressing the County Planning. Applicant will satisfy the NYSDOT.

Applicants to comment on the county planning-- Illegal left hand turns-- cannot physically cross-left hand turn-- considered the volumes but they put the cars --but there are accident considerations that are necessary to address.

Parking from NiLo-- for a parking letter from the operator estimating that it was sufficient. There is some concern about wedding and receptions -- there is an overflow plan-- with valet parking can stack-- for such functions.

The Queuing along Route 59- and Route 9W are to be addressed and the Planning Board would like to hear directly from the traffic consultant. All controlled by lights except for Four (4) way stops.

Four spaces to be removed from High Avenue-- demand appears to be equal to 22 spaces with removal of 4 space-- 18 spaces remain-- parking utilization-- looked at and appeared to be 2 to 9 required-- felt comfortable for off street parking most of the houses have their own driveways--can be controlled by regulation. The board does not think it necessary.

*Coastal Assessment-- is moving along after a Village Board resolution DONE.*

Generators- we would like to have a generator-- will have emergency life, safety--  
Highly recommended but not required-- will be screened if provided-

Lighting at the intersection on High Avenue-- lights-- lights will be re-timed.

**Brooker Comments--Village Engineer (comments 3-28-13)**

We offer the following comments for your consideration:

1 A boundary survey has been submitted signed and stamped by a licensed land Surveyor.  
High Avenue shall be labeled consistent with the Subdivision Plat and Site Plans submitted.

**done**

2 Right of way widths have been shown. Cartway widths are schematically indicated and appear to vary in width. Centerline designation remains to be provided for both High Avenue and Cemetery Lane. We recommend a road dedication be gratuitously offered to the Village to set the ROW twenty- five feet (25 feet) from the centerline of both Cemetery Lane, (where feasible) and High Avenue. The width of the dedication to be determined based upon the location of the centerline of each respective road.

**done**

3 The Village had previously constructed concrete sidewalks along Polhemus Avenue and Provident Bank had constructed concrete sidewalks along High Avenue both in the interest of enhancing pedestrian safety in recent years. We recommend consideration be given to construct concrete sidewalks along the property frontage on High Avenue and potentially off-site to continue the pedestrian link to the existing sidewalks.

Still don't know who owns the land the sidewalk would traverse -- will contribute toward the sidewalk-- looking to the ownership-- the property at the corner of High and High Avenue -- seemed to have included a survey to the house on the other side of the road-- wrong survey dimensions--Village Engineer will add language for the site plan regulation

4 The Building department has determined no parking variance is required for this application. One hundred eighty two (182) parking stalls will be provided on site.

**done**

5 We have reviewed the stormwater management report submitted with the SWPPP and find it acceptable. The peak rate of discharge from the 2, 10, 25 and 100 year storm events have been slightly reduced. Stormwater quality has been addressed by means of a Contech CDS unit.

**done**

6 The proposed re-development of this site slightly reduces the impervious area. Additionally, green infrastructure is being implemented. Porous pavement is proposed along the entry drive. Additionally, gaps along the south curblin are proposed to allow stormwater run-off from the existing parking areas to filter through proposed vegetation. All of these practices support the implementation of green design as outlined in the NYS design manual.

**done**

7 It is the Board's understanding a Phase I Environmental Report has been submitted to the Village. We are not in receipt of the report.

**done**

8 The existing water service has been shown and is potentially in conflict with the proposed retaining wall and thus may require relocation.

Applicant Going to maintain the water service and working to get access to the pit-- site plan will include requirement that the water will be of sufficiently high enough pressure.

9 The location of the existing underground electric service and transformer is shown on the plans.

**done.**

10 The ADA access into the structure has been shown. The width of the sidewalk and positioning of the signage at the head of the handicapped stalls have been addressed to ensure a clear path.

**done**

11 A Lighting and Landscaping Plan has been submitted.

**done**

12 The Lighting Plan, sheet E-101, indicates a maximum height of the proposed site lighting, including pole and concrete base, of fifteen feet in height. This height is the maximum height allowed per code. (Section 360-4.10 B (2)).

**done**

13 The maximum lighting intensity is indicated as 2.9 fc. The Code specifies maximum lighting levels for parking lots in residential areas to be 3.0 fc and parking lots in non-residential areas to be 5.0 fc. The proposed lighting level is below the residential maximum. (Section 360-4.10 C)

**done**

14 The colored rendered plans also indicate a number of building mounted light fixtures. The plans entitled Exterior Elevations, sheets A05.02 and A05.03 list wall mounted up light, wall mounted down light, wall mounted up and down light, wall sconce, spot up light, spot down light. We are especially concerned about any potential adverse impacts from the wall mounted up lighting and spot light up fixtures. Expert testimony should be provided regarding the potential impacts and effects of the extensive building mounted lights including lighting intensity, reflection off of the building face, halo effect, color of the lighting and hours of operation.

**changed location-- There will be no uplighting at all - there will only be down facing --with all lighting to be code compliant**

15 The Landscaping Plan reflects planting around the perimeter of the site to the greatest extent practicable.

**done**

16 The surface parking area is screened with a four to five feet in height hedge behind the north and west curb line where possible. An existing wall will remain preventing plantings in that area. Islands will be created within the parking area to break up the expanse of pavement and to introduce landscaping interior to the parking lot as required by code.

**acceptable**

17 The frontage along Cemetery Lane is proposed to be screened with a landscaped island approximately fifteen feet in width. Due to the grade differential of approximately 10 feet, with Cemetery Lane being higher in elevation, the landscaping is proposed in the northern section of the island. This portion of the island is not on the subject parcel but within the ROW of Cemetery Lane. Though it is not uncommon to have shade trees planted within the ROW it is generally not permitted to have other improvements or plantings in this location. The applicant shall construct the buffering and landscaping improvements on their property. If this is not practicable or possible perhaps an agreement with the Village could be reached to state the applicant and not the Village is fully responsible for maintenance of the landscaping in this particular area. The Planning Board and the attorney should further discuss this matter. Should the Planning Board determine there is no feasible alternative to providing the landscaped buffer along Cemetery Lane, then Village Board involvement may be required to allow for these improvements within the ROW.

**landscaping island-- will be maintained as a condition of approval -- Applicant will maintain that landscaping**

18 The southern property line along the Thruway property is screened with a landscaped buffer to the greatest extent practicable considering the grade differential and proposed

retaining wall in a portion of that area. The proposed Landscaping Plan should be coordinated with the Grading and Utility Plan. There appear to be potential conflicts. The gravel area with 4 inch diameter outlet pipes indicated on the Grading and Utility Plan should be taken into account and accommodated in the design of the Landscape incorporated. Additionally, further evaluation of the proposed landscaping in this area is needed to avoid interference with the water line in the immediate area.

**action - coordinate with landscape plan**

19 Foundation plantings have been provided around the full perimeter of the structure where possible.

**done**

20 An Erosion and Sediment Control Plan has been submitted. The erosion control measures indicated shall be implemented prior to any activity taking place. These measures shall be maintained throughout construction as addressed in the SWPPP.

**done**

21 Architectural Plans SK-03 and SK-04 provide a detail and elevation of the revised loading area. This area is now screened from direct view with a wall and access gates greatly enhancing the aesthetics of the site entry.

**done**

22 The trash and recycling containers are proposed to be located within this newly created area east of the loading dock.

**done**

23 Board will defer all review and comments regarding the Site signage, both building mounted and free-standing to the Village Planner.

24 Board to defer all review and comments regarding on site directional signage and pavement markings to the Village Traffic Consultant.

25 Structural calculations and details shall be submitted for review for the proposed concrete retaining wall.

**with building permit**

1 *Is there any proposed free standing or monument signage? NO*

ARB to review and consider the size of the variance for proposed signage.

Applicant will comply and address all comments on the SWPPP.

**NOTES**

Applicant by Dennis Michaels- attorney for the applicant WY Wellington Yanko-- Steve Silverburg for SEQRA; Joseph Siegel; Hans Erenberger; Steven Drye, Joe Motiferri (landscape) John Meyer consulting-- (traffic)-- Steve Grogg, McLaren Engineering.

Proposal for 132 key rooms - boutique hotel-- north side three (3) stories on the cemetery four stories on the thruway side-- space west of the area 12' by 12' pool, fire pit, indoor outdoor pool. 180 seats for the restaurant

Sidewalk-- on the east side of Cemetery Lane-- issue of where the right of way is relative to the site 30 foot right of way on the east side of the street-- would require removing the hedge and take out the trees-- new sewer-- cost -- comes up--

Applicant to cost the sidewalk of linear sidewalk and possibly qualifies for a 50/50 % program

**Public--**

**No Public comments**

**BOARD--** interspersed above.

SEQRA-- Long form EAF has been completed and revised--

Planner went through the findings for the EAF-- all of the EAF long form findings will be incorporated into a **Negative Declaration. Member Klose moved to adopt a Negative Declaration as to the environmental impacts to be prepared by the Planner.**

ARB went through all of these processes-- ZBA recommendation--

**Motion to allow the Village planner will prepare a Neg Dec after working on all of the elements in the Neg Dec. As the lead agency the Planning Board finds that the project is consistent with the LWRP and will address the sewer issues and water department, will not result in major impacts. Village experts will approve the LWRP and the findings of only minor but mitigated environmental impact. Will use some green infrastructure approaches. Klose proposed and Englander seconded vote- 5-0, approved.**