

**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

- 1. 2 Aldine Lane. Jodie Tassello & Bianca Beldini. Site Plan application for the construction of a deck on the rear of dwelling.**

*Building Inspector--Property is in TFR Zoning District. Proposal complies with zoning requirements. Proposal received conditional ARB approval on 2/20/2013.*

**Type II Action-- SEQRA—**

Charles Enda --no additional input, matter was appropriately posted, no neighbor comment  
Klose makes a motion to accept the Site Plan and application to be approved as drawn (plans dated 2/5/13) subject to the final certificates by the Building Inspector to confirm that all exterior ambient lighting being down facing and shielded to reduce or minimize the impact on the neighbors. Site Plan approved subject to reasonable conditions imposed by the ARB and the Building Department. The Chair made the motion and Peter Voletsky seconded the motion (Vote was 5-0, approved).

- 2. 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. (my emphasis).*

*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.

BOARD ACTION - Klose resolves to make a positive recommendation to the ZBA for both of the identified variance for this application seeking to convert a long-existing home back to a single family residence on the edge of the downtown, on the ground that the requested changes will restore the home to its original 1800s details with a front porch and a utilitarian rear entry, will not have any adverse impact upon the neighboring properties, and with the understanding that this particular building is a pre-existing non-conforming use where the owner is not making any significant change to the location, size or shape of the building, and is merely adding a porch that had been removed. The Planning Board further suggests that any area variance be subject to reasonable restrictions and limitations to be imposed by the ZBA or the ARB (Second by Englander, Vote 5-0, approved).

With respect to Site Plan Approval-- Both Member Klose and Member Voletsky were concerned by the suggestion that this applicant was seeking a curb cut onto or into the northbound flow of traffic on North Broadway. The applicant proposes grass paving in the front of the house with a curb cut approximately 50- 60 feet from the intersection of Fifth Avenue, across from a church, and next to an active doctor's parking lot. Applicant would be required to exit backwards from this proposed parking area onto North Broadway. Klose & Voletsky expressed concerns that the additional driveway would create a hazard and is not in the best planning of the Village, and requested that the plans be sent to the Village Engineer to review, comment upon and critique from a planning and safety perspective. Applicant argues that other houses in the neighborhood back onto North Broadway and that there is "no parking" allowed on the N/B side of North Broadway. This will be left open for further comment and suggestion. Parking in the front yard from the front yard to the street would also create the perspective of two "parking lots" adjacent to the property, as the next property to the north is a doctors' office. This house already has a driveway to the rear of the house off of the less traveled adjacent cross street, and there is plenty of street parking nearby.

Need the engineer's critique as to the roadway safety of the proposed curb cut on North Broadway, and the application will supply additional information. PB requests that the Engineer specifically consider other potential options to a third parking space, and the safety issues associated with this proposal for the onsite parking in front.

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

Site Plan approval remains OPEN for further review and comment by the Applicant and Engineer as to the Traffic Patterns and safety.

**3. 400 High Avenue. Kerry Wellington for WY Management LLC. 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.**

**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. **A motion had been made to issue a positive recommendation to the ZBA by the Chairman, and seconded by Dan Jean-Gilles, and approved 4-0 (February 4, 2013).**

*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.*

*NO PARKING VARIANCE REQUIREMENTS described in Article IV VON 360-4.5B(3) however parking requirements for this type of facility have been taken into consideration.*

*Per Article II VON§360-2.5(a)(b)(c) A landscaping plan as well as sidewalks and a 15 ft buffer of landscaping or fencing is required.*

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. (Chairman's emphasis).**

*An area variance or an interpretation from the Building Inspector's determination would be required if applicant proposes not to meet these requirements.*

*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 §FD105 of 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.*

*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?). **A FIRE PLAN IS NEEDED***

*Received no particular objections from any of the intra-municipal entities that this plan was submitted to and the PB will assume lead agency for the purposes of conducting the environmental review for the proposed action under SEQRA.*

**Klose moves to declare PB as Lead Agent, Voletsky seconds. Passed (5-0). Various public agencies have responded to GML notification, notably:**

*VARIOUS RECORDS REVIEWED BY THE BOARD AND THE PLANNER-New York State Thruway Authority (dated 2-18-13); State of New York Department of Transportation; County of Rockland Drainage Agency 2-25-13; Town of Clarkstown- (dated 2-7-13); County of Rockland Department of Highways (2-11-13); Department of Environmental Management and Engineering, Town of Orangetown (2-1-13)--applicant will replace mains and inspect manholes; Town of Clarkstown, Office of the Assessor; Town of Orangetown, Assessor's Office (merging lots-); County of Rockland Department of Planning (2-25-13) and Brooker Engineering. Department of Health for sewage and mosquito control (date 2-4-13) NYS DOT-- 2-8-13-- sent to Regional Permitting Coordinator; Board of Trustees to quit claim a swap of a parcel of land which will be integrated within Town of Orangetown.*

*Awaiting report from Adler Consulting- **RECEIVED POST-MEETING AND WILL BE ADDRESSED AT NEXT MEETING***

Applicant presented updated Traffic Study --Comparative traffic study performed at the request of the Planner-- study provided by the traffic consultant. Since the last meeting consultant (JMC Consulting) did comparative counts -- Best Western (Nyack) determined and tried to figure origin and destination of trips from Crowne Plaza in Tarrytown -- the data used in the study was actually higher than the actual counts- Morning rate 0.53 trips per room—ITE (Institute of Traffic Engineers) data but other comparative 0.15 and .049 trips per room during the morning peak hour were actually lower than what the expert used in this case. Evening Peak Hour trip generation rate in the ITE data was higher-- about  $\frac{2}{3}$  of the range-- comparative study shown in Table A of the Supplemental Traffic Study.

2-21-13-- additional intersection-- east-bound ramps at Route 59-- impact not a significant impact on people going eastbound on Route 59 compared to no-build -- 5 second impact -- subjective impact of about 5 seconds-level of service is about a 20 second level-- no impact on the eastbound traffic at the intersection on Route 59--

Going West Bound-- shorter delays generally-- morning westbound approach 41.7 seconds to 41.9, westbound in afternoon-- no-build condition is actually shorter by 6 seconds-- Table B on Supplemental Traffic Study.

Planning Board and Applicant compared to vacant condition-- not really fair comparison-- general growth of 2% in volume – PB would like a Saturday comparison.

Adler Consulting recommended various upgrades and revisions to the existing Traffic Study, which the applicant will review, comment upon and revise.

Consultant--Adler-- applicant's engineer declined to paraphrase from the village expert—Adler would like some analysis of Saturday mid-day-check out 11 and in at 3PM

Planning 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 will work with and solicit NYS Department of Transportation—signal timing-- mechanism— JMC will provide signal timing -- looking for verbiage addressing the County Planning letter.

Applicants to comment on the County Planning letter -- Illegal left hand turns-- cannot physically cross-- left hand turn-- considered the traffic volumes --but there are accident considerations that are necessary to address.

JMC will comment on the office/restaurant use in the hotel -- wondering if the ancillary uses originate from outside residents-- substantial component will be existing guests-- not significant impact on daytime traffic

Saturday traffic to be commented upon- Comparisons with re-occupancy of the space as warehouse and industry-- re-occupied exact same use-- most likely re-occupied--

Mr. Adler was not familiar with the parking and the lift parking-- customers would not be self parking.

The queing along Route 59- and Route 9W are to be addressed and the Planning Board would like to hear directly from the traffic consultant.

High Avenue toward the property -- left turn lane improvements-- losing 2-3 spaces not striped but wanted to see how many people are parking-- other spaces available-- hard to quantify—any location of fire hydrant or driveways--applicant to measure and give better detail and explanation.

Consultant would comment upon the use of the conference room-- intent to be in-house business meeting rooms-- ITE traffic generation rates assume that the hotel includes conference and restaurant uses --traffic counts seem to be manageable.

**County of Rockland --** Letter to be thoroughly addressed by Applicant and complied with.

#17-- As of this meeting, the applicant had already re-designed the Loading dock/dumpsters-- # 5 on County Planning letter and #17 on the County letter dated 2/25/13-- trash containers-- enclosed trash area six foot wall -- still maintains 20 foot drive--

#22-- backup generators-- applicant will put a generator for emergency on the roof – generator will sit down in well of the roof-- sound will be attenuated and location shown on the plans

Revisions to the EAF-- will be re-submitted on a revised long-form EAF--

Coastal Assessment-- is moving along after a Village Board recommendation.

All of the comments are agreed with and tables and planes will be revised and updated.

**Brooker Comments--Village Engineer**

Parcels that make up this property-- parcel on eastern and western side taken by the NYS Thruway-- there was a fan shape- cul de sac -- 1968 -- after the thruway was changed, no cul de sac— and property eventually given back to the Village

Three appropriation maps-- looks like there is a right of way through the tax lots all to be combined—applicant will still need to do a subdivision plat for review and approval-- applicant will provide the application-- correct the tax lots.

Two lots-- one in Orangetown and one in Clarkstown - applicant provided letter indicating what they are doing.

Not using the extra parcel -- not part of the application.

SWPPP-- revisions-- memo- 3-4-13-- applicant will review the report and re-submit for further comment with Village Engineer.

Applicant has added pervious pavement at the front drop off-- put in porous pavement-- provided pavement will create a nice drop off-- and more curb cuts to the islands -- wetland retention basin-- continue the water to this filtration and continue the condition-- add some porous pavement-- using some non-structural approaches to stormwater -- does not significantly improve runoff, but helps filtration and water quality -- actually including additional some fill-- looking for sand and gravel to allow infiltration.

***Village Engineer consideration:***

- 1 Right of way widths, cartway widths and centerline designation shall be provided for both High Avenue and Cemetery Lane to determine if additional road dedication is required.*

Village and Applicant Traffic Engineer will design and discuss safety upgrades to the intersection between the site and the neighboring street, sidewalks around the corner on the north side of High, turning north on the east side of Cemetery Lane, and will propose improvements and stopping control devices to control the ingress and egress from the site to accommodate both the traffic coming from the site and travelling through all corners of High Avenue.

Fire district concerned about the parking in the drop off area-- applicant is part of the signage-- other comments about --fire code said fire lanes less than 26 feet wide-- will show the No Parking signs on the sign-- fire code to be provided to the building department, code more than 26 feet in 25.8 feet-- statement as to how fast cars will be moved out of this location-- building department working with the applicant.

Fire Chief-- template drawing to meet with group of chiefs in order to gather comments as to the possibility of several hundred people with a fire-- what other plans to disburse people out the building, posted egress plans-- where the three cars are parked-- whether this is close enough-- how far from the building would the fire rig be?

- 2 *The applicant has provided a parking calculation indicating they are providing parking stalls both within a lift structure and on a surface parking lot. Based upon 132 rooms at 1.5 spaces per room the required number of parking stalls is 196. The plan indicates 182 proposed parking stalls thus a variance is being sought. To determine the extent of the variance section 360-4.5 B (3) of the Village Zoning Code should be followed. The variance sought should be for the "parking equal to the difference between the parking requirement for the existing use and the parking requirement for the new use".*

Building Department does not believe that a variance is required. Applicant is to supply additional details as to the numbers, but no actual variance will be required.

**General discussion** -- of the various uses of the hotel-- with all the uses whether this parking is adequate. Adler-- we should speak about-- went back to NYLO and spoke to them about the parking-- operating conditions are more than sufficient-- letter from the applicant-- reference as to the past locations-- traffic consultant will supplement as to the daily use. Operation -- Member Jean Gilles-- code requires a previous calculation as to how many the applicant needs to provide the difference between old and new use-- is this practical- Applicant will comment by letter with the Building Department to consider whether this amount of parking onsite is sufficient.

- 3 *Has a Phase I Environmental Review been performed? Are there any existing underground tanks to be removed? Results of the Phase I should be submitted.*

Applicant submitted the results of the environmental testing 10-2-08 no problems.

- 4 *The existing water service shall be clearly shown. Will a new hot box be required for this project?*

Applicant had known the issue of the water pump. It will be addressed and provided by the applicant or subject to further review.

- 5 *Two new sanitary manholes and a new lateral are proposed to accommodate the proposed sewer flows to be provided by the applicant, however, this is a very expensive proposition, and there will be discussions about the implications and payment*

6 *The location of the proposed electric service should be shown on the plan.  
To be provided.*

7 *The paved area to the rear of the building is to be striped and developed into a formalized or defined parking area for patron and staff use. As such, the industry standard and preferred maximum cross slope for parking lots is 6 % to 7 %. The existing grades in this paved area averages 10 %. Consideration should be given to re-grading the surface parking lot to the rear of the structure.*

*Addressed-- western part of the parking lot-- part will become garage and outdoor -- landscape plan will create islands and applicant has decided that the remote parking will allow -- snow piles will be dumped on the landscaped parts of the property on the downhill side.*

8 *The ADA access into the structure shall be clearly indicated. The width of the sidewalk and distance to the signage at the head of the handicapped stalls should be clarified to ensure a clear path.*

*Done-- to be provided*

9 *In accordance with section 360-3.2 B (4), the applicant shall discuss the proposed recreational amenities and open space proposed by the project.*

Applicant to address the recreational amenities -- applicant to provide the ZBA—will request a variance relative to the pool or an interpretation of the pool requirement.

10 *A Lighting and Landscaping Plan shall be submitted.*

Eve Mancuso to review the landscaping plan, but there are significant improvements to the aesthetics of the site.

11 *Buffering of the adjacent residential uses should be taken into account when developing the Landscape Plan.*

Applicant to be planting 37 ornamental, 3 evergreen and 32 shade tree- maples and oaks to be added-

12 *How will trash and recycling be handled? Details of the trash enclosure shall be provided-- DONE.*

13 *Is there any proposed free standing or monument signage?*

ARB will review and consider the size of the variance for proposed signage. Very large sign proposed for the side of the Road.

*Letter from Village Engineer dated 2/1/13*

*FROM: Eve Mancuso, P.E., Village Engineer*

*RE: Site Plan Review - Nyack NYLO Hotel*

*We have performed a preliminary review of the SWPPP submitted for the above captioned project, prepared by McLaren Engineering Group, dated January 2013:*

Applicant will comply and address all comments on the SWPPP.

**NOTES**

Applicant represented by Dennis Michaels- attorney for the applicant WY Wellington LLC-- Steve Silverburg for SEQRA; Joseph Siegel, Environectics, the architect; 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

ARB-- had some comments which were used to upgrade revised plans-- because of the contours of the property --lifts in the parking structure not visible-- covering the roof of the parking-- NYLO said they needed 186 parking spaces.

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 is costly and this increases the project costs.

Applicant to cost the sidewalk of linear sidewalk and possibly qualify for a 50/50 program with the Village

**Public--**

Village Board adopted a resolution relative to the Coastal Application Form to the Board of Trustees for their recommendation on consistency with the LWRP.

**Public**—opinions expressed indicated that they supported the project and it should proceed.

**BOARD**-- interspersed above.

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**SEQRA**-- this is an unlisted action-- applicant has prepared a long form EAF-- Planning Board adopts the foregoing resolution to assume lead agency for SEQRA review of this unlisted action.

**Public**-- None

**Other Business:**

A motion was made by Chairman Klose, seconded by Member Keene, to accept the February 4, 2013 minutes. Passed 4-0. The meeting was adjourned at 9:50 PM.