

Members Present:

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

Also Present:

Walter Sevastian
Don Yacopino, Building Inspector
Bob Galvin—Village Planner
Seth Kestenbaum-Alternate Member

Absent:

Other Business: Motion to approve the November 2014 and September 2014 Minutes-- second by Keene -- Vote 5-0 approved.

The Zoning Board of Appeals occupied the gallery to consider and hear the issues raised by the first application which is on a strict time of the essence situation.

1. 48 South Franklin Street. David Durandisse & Schenley Vital. Site plan application to alter existing structure with interior renovations and the addition of a third story. Property is in DMU Overlay Zoning District.

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 conformity: existing rear yard setback of 1'+/- where 15 ft. is required, since the rear yard is adjacent to the TFR residential district.

PARKING: Proposal would require 9 parking spaces if building were being constructed today. Most recent use as a retail space would have 13 spaces assigned to the property. Parking requirements are met under that analysis per language of Article IV VON§360-4.5B (3). Furthermore two separate variances for off street parking of 7/20/1989 (9 spaces) and 5/30/2003 (18 spaces) grant a total of 27 parking spaces to this property. Parking requirements are met.

2. 48 South Franklin Street. David Durandisse and Schenley Vital. Application to remove two trees. Property is in DMU Zoning District. Trees are on Depew Avenue neighbor's property. Depew venue property owners' letter permitting removal of trees on his property included. Letter from Jimmy the next door neighbor approves the removal of the Trees.

Applicant-- Wants to establish various units at the location-- the building is currently empty and in various stages of disrepair - the height of the proposed renovated structure would be different-- 8 feet taller.

Public Comment -- Naaz Hosseini-- rear neighbor-- concerned about the possible location of HVAC and other additions to the roof of this building, rear, the sides, or the roof of the building, as compressors and floodlighting could create unacceptable conditions. ADDITION OF THIRD FLOOR: The height projected for the renovated building is within 2 inches of the maximum allowed by code; also a 15-foot setback between the building and the property line.[an issue already addressed by the applicant]; adding the additional floor will create a structure that is far more imposing, casting a greater shadow, and obstructing this neighbor's view. The Applicant will address the cornice height, the AC location and

screening and the rear lighting;

NOISE: Request that any compressor be nowhere near the back of the building and be baffled for sound. {Applicant indicated he would be amenable to locating any compressor away from the back and providing baffling as is practical]

LIGHT: Exterior lighting placed above adjoining neighbors could cause light pollution [Applicant shall provide lighting plan to shield and minimize such overspill]

AESTHETICS: -- ARB is addressing the design elements, however, applicant is encouraged to continue features and consistency of the new development.

ARB Board Findings Must be addressed:

1. The Board questions if demolition of the existing façade is necessary. Some members feel the façade is worth preserving. Applicant responded that the façade is in very poor condition. The central entry does not accommodate entry for both business and residential functions. The building Inspector noted that this is not the original façade at that building. Board members understand the issues with the façade and a majority agree that demolition is warranted.
2. Height of building is increased as a result of the applicant's desire for high ceilings, and an additional floor. Board requests that adjacent buildings be shown in elevation with the proposed building to assess height impact. Buildings to right are two story; buildings to left are two and a half stories.
3. Windows are indicated as awning windows. Board requests that windows be revised to be consistent with the traditional form of the building and the character of adjacent buildings. Applicant agrees that double hung units would be appropriate. Board suggested two over one, or one over one mullions.
4. Brick on front faced is shown as being applied to front façade as a veneer. Board requests that brick wrap façade on sides by a minimum of 12 inches to be consistent with typical detail found in village.
5. Board recommends applicant consider 3 exterior lights on front façade as 4 seems excessive for a small storefront.
6. Elevation drawings need to be submitted in larger sheets than 11 by 17 for legibility are to include all details, materials etc. All other drawings can remain the smaller format.
7. Applicant presented both a smooth brick and a textured brick and asked the board's opinion on material. Board did not express a preference but noted that it would be appropriate if applicant chose to use both materials, one on lower, and one on upper sections of the façade
8. The Building Inspector notes that the applicant has time restricted grant financing. The board understands the restrictions and agrees that the demolition and proposed 3 story structure is appropriate provided that the above stated comments of the board can be addressed.

Susan Wentwirth -- Building is on the property line-- Code does not permit windows on the property line Needs to set the windows back-- depth needs to be five feet from the property line.

Board-- *Expressed many of the same concerns about the new height of the Building. Concerned that the*

Site Plan address the following elements: applicant to address the views from front, the balconies--; applicant to address the location of the garbage first floor; applicant to address the air conditioning units on the roof; lighting and baffling of lights; treatment of, or modification of the “plywood fronted” side alleyway and provide evidence of the shared use of the alley next door; applicant to set forth sustainable elements (permeable pavers) to be used; emergency exits to/from the alley from the alley and laundromat access (ingress and egress); address concerns in letter from the neighbor; easements should show the means of egress; address the privacy concerns raised by the balconies; address and provide evidence of actual and realistic streetscape and elevations from west and east.

Public Hearing remains open so that the Applicant can address the related issues above. The Board was willing to hold another meeting in December provided that all of the concerns be addressed and set forth in the Site Plan

Board Actions and Resolutions:

With respect to SEQRA-- *The proposed action is unlisted action -- Dan Jean Gilles Second - Vote passed 5-0 . Planner-- has done the SEQR analysis and will provide the statements and resolutions to Board.*

*Variances-- RESOLUTION By motion of Chairman Klose and seconded by Jean-Gilles 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 additional housing and necessary commercial space on the ground floor in conjunction with the CMP, and appears to be in keeping with the character of the neighborhood, the Planning Board resolves to issue a positive recommendation for the ZBA as to the requested variances 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. **Vote: 5 – 0 in favor***

Site Plan-- remains open, except that on the resolution of Chairman Klose, seconded by Voletsky, the application to remove the trees from the rear yard is hereby granted on a Vote of 5-0.

3. 235 High Avenue. John DiNoia Application to remove a front yard tree. *Property is in TFR Zoning District. Applicant proposes to remove a tree blocking proposed widening of driveway.*

Applicant-- *John and Joselyn Di Noia-- in the way of the new driveway-- to done using Belgian block (green driveway)-- Applicant will replace the tree-- planted 22 plants and trees already. This application has been before the planning board before, and the applicant has addressed all of the prior concerns related to the driveway, the easement, and the improvement of the exterior of the property.*

Public Comment -- NONE

Board-- *No public objection to the plan and no comments.--*

Motion to close the public hearing by Klose, with second by Peter Voletsky Vote 5-0 to close hearing approved.

Board Actions and Resolutions:

With respect to SEQRA-- *The proposed action is exempt from consideration under SEQRA since it is a Type II Action under NYSDEC 617.5 (6) and (9). As a Type II action, it is automatically considered to be consistent with the Village's LWRP policies.*

Site Plan-- *By motion of Chairman Klose, and seconded by Englander, and to remove the tree that is in the way of the putting in the driveway application dated 11-4-14 removal the requested trees and subject to applicant replacing the landscaping with appropriate landscaping selected by the applicant. **Vote: 5-0 in favor.***

4. 23 Route 59. Gordon Gebert for Claudio Iodice. Continuation of Site plan application for a change of use from a vacant lot to an Industrial Service Use. Property is in CC Zoning District.

Building Inspector-- Applicant proposes to use area for employee parking, field office, storage and transfer of construction materials as well as the shuttling of employees to and from jobsite. Industrial Service Use is permitted in CC Zoning District. Applicant previously discussed lack of need for site lighting since the site will only be used during daytime working hours. NYSDOT comments and revised site plan included.

Applicant-- *NYS DOT has weighed in Scott Brauer-- re-submitted the Site Plan relocated to the west side-- gives more flexibility for turn around-- shortened the throat because the bus will remain on the premises DOT requires some work on the sidewalk-- repairs to be done-- sidewalk and County referred to the County of Rockland-- no comments received from Town of Clarkstown.*

Public Comment - NONE

Board-- *No new substantive comments- NYS work permit-- turning movements are restricted to right turn only Limited in terms of hours -- chain link fence set back there is 4 feet of sight view-- limits on lighting Hours or operation not during the height of the traffic--*

Motion to close the public hearing by Klose, with second by Jean Gilles Vote 5-0 to close hearing approved.

Board Actions and Resolutions:

With respect to SEQRA-- *The proposed is consistent with the Village's LWRP policies (second by Englander) (vote 5-0), and by resolution of the Board, we find no significant environmental concerns determination of consistency with the LWRP. Planner will fill out Part III of the SEQRA form, but find that any minor concerns can be mitigated by the factors set forth in the SEQRA forms, including but not limited to the fact that the space will be used temporarily-- taken off the right of way as much as possible-- will improve the surface of the driveway -- Manned yard during all hours of use with office trailer- letter from DOT 11-12-14- Planner will produce a Negative Declaration, accordingly the motion to adopt a Negative Declaration by Klose is seconded by Englander) and passed by a Vote of 5-0. It is noted that there appears to be nothing in the plans or specifications that have not been addressed by the applicant from the perspective of environmental impact and the LWRP.*

Site Plan-- *RESOLUTION by motion of Chairman Klose and [seconded by Voletsky] - given that the planned improvements will not significantly impact the neighborhood not have any perceived detriment to the character of the neighborhood, the Planning Board resolves to approve the Site*

Plan Application for dated 11-12-14 One page, subject to reasonable conditions imposed by DOT.

Vote: Passed in favor 5 – 0.

5. **38 Tallman Avenue. Kier Levesque for Michael Kriz. Site Plan Application for a Rear yard deck and basement entry.** Property is in SFR-1 Zoning District.

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 front yard setback of 17.5 ft. where 23.12 ft. is required; a minimum side yard of 4.6 ft. where 6.48 ft. is required; a rear yard setback of 26 ft. where 34.67 ft. is required.

Additionally an area variance is required from Article IV VON 360-4.3. Dimensional Standards Table 4-1 for a front yard setback of 20 ft. where 23.12 ft. is required for the construction of a front yard basement entry.

Applicant-- Kier Levesque-- and Mike Kriz for the applicant-- deck a the rear of the house and basement entry-- recommendation for the Planning Board- Non-Conforming building-- new basement at 20 feet where the existing porch and door. Basement-- entry to be moved to the front from the side. Screened with Plantings access to the basement-- there was a garage-- moved out and now part of a different property. The renovation will take away impervious surfaces-- creating a better surface for drainage-- deck material -- treated wood for the decking-- lighting at the new door facing downway- ARB-- asked them to modify the stair up front-- shifting the risers to the left-- took issue with the single railing so there will be some plantings added.

Public Comment -- NONE

Board-- No public objection to the plan and no comments.

Motion to close the public hearing by Klose, with second by Jean-Gilles Vote 5-0 to close hearing approved.

Board Actions and Resolutions:

With respect to SEQRA-- *The proposed action is exempt from consideration under SEQRA since it is a Type II Action under NYSDEC 617.5 (6) and (9). As a Type II action, it is automatically considered to be consistent with the Village's LWRP policies.*

Variiances-- RESOLUTION By motion of Chairman Klose and seconded by Keene and given that the planned improvements will enhance the neighborhood and not have any perceived detriment to the character of the neighborhood, the Planning Board resolves to make a positive recommendation for alteration/enlargement of a building with the following dimensional and developmental non conformities: existing front yard setback of 17.5 ft. where 23.12 ft. is required; a minimum side yard of 4.6 ft. where 6.48 ft. is required; a rear yard setback of 26 ft. where 34.67 ft. is required; and the area variance from Article IV VON 360-4.3. Dimensional Standards Table 4-1 for a front yard setback of 20 ft. where 23.12 ft. is required for the

construction of a front yard basement entry. to the Zoning Board of Appeals 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. **Vote: 5 – 0 in favor.**

Site Plan-- *By motion of Chairman Klose, and seconded by Englander, and given that the planned improvements will enhance the neighborhood and not have any perceived detriment to the character of the neighborhood, the Planning Board approves the Site Plan Application dated 10-24-14 with respect to the proposed modifications to the basement entry way subject to all exterior lighting being down facing, reasonable modifications required by the ARB and the ZBA, and subject to applicant replacing the landscaping with appropriate landscaping selected by the applicant. **Vote: 5-0 in favor.***

6. 63 Washington Street. Site Plan Application to convert two family house to a three Family house and request for recommendation to Zoning Board of Appeals for a Use Variance. Property is in TFR Zoning District. Since three family homes are not permitted in the TFR Zoning District a Use Variance is required from:

Building Inspector-- Article V VON§360-5.10A (4) *a “use variance” is required for an application for a use not permitted in the underlying zoning district by this chapter.”Table 3-1 lists a three family dwelling as a non-permitted use the TFR Zoning District. With a property size of 50’w x 100’ l (5000 sq. ft.) the property is nonconforming with regard to dimensional standards which require 10,000 sq. ft. lot size and 75’ property width for a two family residence. There are no dimensional standards listed for a three family dwelling since it is not a permitted use in the district. An area variance is required from **Article I VON§360-1.9E** for alterations of a building that is nonconforming with respect to dimensional and developmental standards.**** Enclosed is a copy of a 9/23/91 Certificate of Occupancy for non-habitable attic storage space, issued based on a June 17, 1988 Building Permit Application to “add dormers to raise roof for storage.” Documents included.*

Applicant-- *did not appear-- the application remains open.*

7. 60 Cedar Hill Avenue. DCAK for Pavion Project. Application for a subdivision. Property is in RMU Zoning District. Proposal is to merge four properties into one.

Building Inspector-Per Article IV VON§360-4.13F (2) *a subdivision approval by the Planning Board is required for the merging or consolidation of lots. Per Article V VON§360-5.9 the merger of two or more lots requires Special Permit approval from the Zoning Board of Appeals.*

*A title abstract is required per **Article V VON§360-5.8C(2)[18]**, not yet submitted: 360-5.8C (2)[18]: A title abstract, and a municipal violation report indicating that the premises are free from violations.*

Applicant-- *Ira Emanuel, Esq. and DCAK for applicant. Applicant wants to wait for the Neg Dec from Planning before going to the ZBA--Would like better understanding of Environmental Review -- relative to the Planning Board-- also review and discussion of Density Bonus and other factors which may make it necessary for the Applicant to alter its requests for the variances at the ZBA. Applicant would hope to*

sort as much of this out with Planning before going to ZBA to reduce the possibility of multiple re- reviews by ZBA and/or Planning. On Traffic and Parking - The Board can get the names of the traffic consultants- - no compelling interest in changing the direction of traffic- consider the angled parking -- on South Franklin-- typical straight on parking is not as efficient-- 60 degree angled movement-- may be better-- already in the direction-- three spaces more is important, angled parking should be commented upon. Various additional considerations-- widening the street-- need 33 feet -- plus a travel lane for travel line-- Turning radii-- Auto Turn and signal timing-- Angled parking- alternatives, etc.

Public Comment -- Preston for Nyack Fit wants some review of the turning radii and the angled parking, but is in favor of the project in general

Board-- No public objection to the plan; mostly listened to the presentation-

Board Actions and Resolutions:

With respect to SEQRA-- The proposed action is NOT exempt from consideration under SEQRA since it is an unlisted Action. As an unlisted action, the Planning Board will need to declare itself lead agency and make formal resolutions of environmental impact.

8. 60 Cedar Hill Avenue. DCAK for Pavion Project. Site Plan Application to demolish existing structures and construct mixed use buildings, Special Permit from the Planning Board for an increase in FAR and increase in building height from two to three stories for a LEED certifiable building, and recommendation to Zoning Board of Appeals for an area variance for increased density. Property is in RMU Zoning District.

Per Article IV VON§360-4.13F (2) a subdivision approval by the Planning Board is required for the merging or consolidation of lots.

Per Article V VON§360-5.9 the merger of two or more lots requires Special Permit approval from the Zoning Board of Appeals.

Per Article IV VON§360-4.3, Table 4-1, footnote (h) a Special Permit is required from the Planning Board for an increase of FAR from 0.75 to 1.0 for a Mixed Use Building and increase in building height from two to three stories for a LEED certifiable building on a lot of 15,000 sq. ft. or larger.

With a density of 18 units per acre in the RMU Zoning District at 4 acres+/-72 dwelling units are permitted. A 40% increase in the number of DU's is permitted for taking advantage of the green infrastructure incentives of the Code, adding another 29 DU.s along with a 10 DU increase allowed for affordable housing units, totaling 111 permitted DU's. The applicant proposes 135 Dwelling Units.

An area Variance is required from Article IV VON§360-4.3, Table 4-1 for 24 DU's more than the permitted 111.

DENSITY	
4+/- Acres@ 18 units per acre =	72 DU
40% increase for incentives=	29 DU
Affordable Housing Units=	<u>10 DU</u>
PERMITTED	111 DU

**Area Variance for 24 DU's (Request to use
Additional FAR space for DU's) PROPOSED**

**24
135 DU's**

HEIGHT

2 Stories permitted in RMU.

3 Stories permitted if building is LEED certifiable, which this proposes to be.

FAR

Building calculated at 174,424 sq. ft. (Indicated as 1.0).

GENERAL NOTES:

- A. 360-3.2(4)(b)** *Professional office or studio accessory to a residential building requirement of 30% of first floor of principal building does not apply to multifamily building in RMU district.*
- B. 360-3.2B (8)** *Individual retail sales or services shall not exceed 5000 sq. ft. in floor area.*
- C.** *As proposed, the combination of commercial and residential units comprise 167,910 sq.ft. of 174, 424 sq. ft. of permitted FAR. Applicant requires a variance for 24 DU's and will seek to use remaining FAR square footage for residential use as opposed to commercial/retail use.*
- D.** *Traffic Study, Child Impact Study and hydrant flow test enclosed.*

After much discussion and request for modifications and further clarification, the application before the ARB remains open. All members of the ARB "agree that there is no objection to the demolition of the existing structures" at its October 15, 2014 meeting.

Village Planner (memo dated 12-1-14)The Applicant for the development of the Nyack Pavion site has submitted their application to the Planning Board for various approvals, including demolition, site plan, subdivision and special permit. The property is a 4 acre site in an RMU Zoning District currently occupied by one auto repair garage and two vacant industrial buildings formerly used for office, manufacturing and storage by Pavion, a cosmetic product manufacturer.

The property is bordered by Cedar Hill Avenue and the Village of South Nyack on the south, South Franklin Street on the west, Hudson Avenue on the north and Florence Street and private properties in the east. A paper street currently runs through the site which will be abandoned by the Applicant. The surrounding zoning includes DMU to the west and east. There is a MFR-2 zone directly to the north across Hudson Avenue.

Specific land uses consist of one and two story commercial structures to the west, community garden and Nyack Plaza (senior citizen housing) to the north and an office building along Hudson Avenue and residential and commercial to the east, beyond which is South Broadway, a primary shopping street and a funeral home and 2 ½ story residence on Cedar Hill Avenue. On the South Nyack side of Cedar Hill to the south is an Attorneys' office, several residences, a gas station and playground/bike path. There is another auto related business diagonally across from the property at the corner of Cedar Hill and South Franklin in South Nyack.

The applicant has presented an Application to the Planning Board for their meeting of 12/1/14. The Application consists of a Project Narrative, a set of 15 drawings including the Site Layout Plan revised 11/7/14, proposed subdivision map (3 sheets) dated 9/29/14, Traffic Impact Study conducted by Baker Traffic Consultants dated 10/23/14 and a Child Impact Study by Urbanomics, Inc. dated 11/6/14 and a Hydrant Flow Test performed by Active Fire Protection, Inc. on 8/7/14.

The applicant appeared before the ARB on October 15, 2014. This was a preliminary application. The Board felt that the general concept and direction of the application was in harmony with the existing design and architecture of the Village and is not detrimental to the surrounding area. The Board requested that the applicant consider the board's comments on scale, repetition of elements and materials and consider the visual impact of a fenced or gated pool in a visible central location. Future presentations should include adjacent buildings and street widths.

The applicant met for several technical reviews with the Building Inspector, Village Planner and Engineer. The Village Engineer has provided preliminary comments in a memo dated 10/3/14 based on the Applicant's revised plans dated 9/26/14. Please note that Drawing C-100 "Existing Conditions" was not included in the Planning Board submission. A detail Landscaping Plan, Park Design Details around the Nyack Brook and information on the "Green Roofs" (size, location, planting specs) will also be required. A Stormwater Pollution Prevention Plan (SWPPP) and Hydrologic information will be required.

The revised drawings submitted as part of the Planning Board Application include:

- *Existing Site is represented as being 171,420 sq. ft. (3.935 acres).*
- *135 units proposed.*
- *Residential units will be divided between two buildings with the 18 townhouses along Cedar Hill Avenue and the larger building Cedar Hill Avenue, South Franklin Street and Hudson Avenue.*
- *The larger residential building will include the commercial spaces apartments and eight live/work units along Hudson Avenue.*
- *South Franklin Street is proposed to be widened approximately 25 feet to incorporate none on-street parking spaces, an 8' bike path, a planting strip and 5' sidewalk. The buildings will be set back approximately 8' from the sidewalk on South Franklin and almost 14' from Cedar Hill.*
- *Base density is 70 (@18 units/acre x 3.935 acres)*
- *Maximum density with sustainability incentives and affordability bonus is 109 units.*
- *The Nyack Brook will be day lit approximately 130' within the site. This is an increase of 100' from the initial site plan of 30'. There are no buildings now covering the Brook and the park area is now open visually to Hudson Avenue.*
- *Requires an apparent density variance of approximately 26 units*
- *Planning Board can permit an increase to a three story building at 40 feet based on LEED Certifiable Building (new sustainable initiative in RMU district) – Applicant will apply for a LEED certified building (the first in the Village of Nyack)*
- *Planning Board can provide increased FAR for mixed use buildings (existing code) with*

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a special permit (increase from 0.75 to 1.00) – proposed FAR is less than 1.00 @ 0.963.

- *South Franklin Avenue*
- *Street extending through the property is being vacated.*
- *Portion of Florence Street is being used for density calculations (driveway serving adjacent office building and driveway to residence to east of the site)*
- *Retail space being provided: two retail spaces (2,730 sf for two stores), 844 sf cafe and 5,908 sf home occupations in live/work units. This is a total of 9, 482 sq. ft. commercial space.*
- *Total Parking required: 212 (residential plus commercial); Parking provided is 216 spaces (underground parking is 72 plus 6 Townhouse spaces in garages). Remaining surface parking is 129 spaces plus an additional 9 new spaces on widened South Franklin. Electric vehicle charging stations will be provided in the garage.*
- *Parking ratio for residential units is 1.6 spaces per unit.*
- *Six spaces over required plus some additional spaces that may be provided in the underground garage; 9 spaces being developed on street along Franklin – Franklin is being widened*
- *Townhouses along Cedar Hill (18); apartments along South Franklin (109) and Live/Work Lofts (8) along Hudson Avenue.*
- *Community Clubhouse and pool (square footage should be included for the clubhouse and pool).*
- *Bike racks being provided*
- *Sustainability Incentives:*
 - *Daylighting Nyack Brook*
 - *Permeable surfaces @ 30%*
 - *Exceeding NYS Energy Code by 10% (each component of the Code)*
 - *Green roofs on each building.*

Project should provide, if not already submitted:

- *Survey and title report provided to clarify the disposition of the through street being vacated and the portion of Florence being used in the site calculations*
- *Topography map for the site*
- *Fire Department report re access*

Site Plan now shows surrounding properties

- *Specific Landscaping schedule which will need to be reviewed by the Board's landscape architect/designer*
- *Traffic/Signalization Review – especially at the intersections affecting traffic flow*
- *Review bonding requirements at the end of the process*
- *Engineering review – Eve Mancuso, the Village Engineer plus the Village Administrator would like the applicant to clear out the culvert to the east of the site which is a pinch point leading to blockages for the Nyack Brook (which will likely impact the applicant's property also). This action would significantly help alleviate flood upstream based on their analysis and experience with Village flooding events.*
- *Escrow account has been established for \$15,000 to cover consultant costs (engineering, traffic, landscaping) and an additional \$15,000 for third party building*

review.

- Third party inspections will be required for Energy code plus consultant to show ability of project to receive LEED certification
- Planning Issues:
 - Applicant is indicating that he has additional FAR for the site after all of the proposed residential and commercial space is used. Applicant will request ZBA to increase residential units by another 26 units based on the additional FAR available on the site.

SEQRA

The Applicant as requested has provided a long form Environmental Assessment Form (EAF) for the proposed action. The proposed action is an Unlisted Action. At this initial meeting, the Planning Board should declare its intent to be Lead Agency and request that this notice be circulated to all involved and interested agencies and municipalities.

The preliminary plans have already been circulated on November 4, 2014 to Rockland County Planning, the Village of South Nyack and Town of Orangetown. The application is subject to referral to Rockland County Planning under GML Article 12B, section 239. The application has been revised and additional information has now been included. The Planning Board should instruct the Building Department to forward the revised application with additional information to Rockland County Planning, Village of South Nyack and Town of Orangetown for any comment.

LWRP Consistency *Since the subject property is over 3 acres, the Village's Board of Trustees will be the agency that will have the responsibility of determining consistency with the Village's LWRP policies.*

Applicant-- *In connection with Daylighting the Nyack brook applicant now propose two buildings to avoid building anything on Nyack Brook-- intent is to open it as much as possible-- current culvert is 5 by ten feet-- remain about the size of the brook-- to Daylight the brook the layout appears to require that there be one means of entrance and exit from Cedar Hill and that the brook remain or be covered for a portion of the parking area. It was suggested that the design should discourage cross traffic - as it could create problems - also comment on issues relative to a revised turning radii relative to fire coverage-- discussion re: two residential buildings with a clubhouse and pool-- open but the open space will be more or less a public park-- accessible to the public at all times-- no plans to exclude the public from park in north east side looking to set back the building to provide parking on a wider street to provide 9 spaces-- landscaping, lighting and furniture-- bike path-- landscape and then building zoning almost far back from the street-- 9 spaces-- asking relative to consider as part of the parking spaces. Developers will deed property -- maintaining the landscaping strip-- anticipate negotiations with Village Board and the applicant. Comment by Village Planner relative to the setback of this building-- look of the street would be improved.*

Studios to three (3) bedrooms-- mix of studios, one bedroom with dens-- different Live/Work Units go all the way through the unit-- 800 to 900 feet of the unit to be commercial with residential above-- on Cedar Hill they would have townhouse-- facade of the building will have nearly row houses. both buildings will have roof gardens-- 4 sustainable building credits-- roof gardens- permeable pavers-- there is a LEED Certifiable building to get the points-- Developer would then proceed with register the project for LEED

certified -- consultant will make the determination-- note Applicant - hires consultant.

Elevation of the Building-- large amount of glass-- with traditional brick and clapboard-- some metal panels, street landscaping and roof gardens (actual materials and look not yet set)-- Front and the Back to look at the Elevations will be provided-- South Nyack--comments -- please provide a drawing also showing the near by buildings-- responding to the highest points on each ends-- ARB asked for the town houses to look like individual townhomes. South Nyack will need more time-- public hearing to be open.

ARB-- upper stories to be set up-- possibly putting few balconies-- see two story building rather than three, plan to make the change-

Engineering Issues- Matt Sheffield -- have plans to daylighting and re-aligning the brook-- looking to daylight 130 feet in the area of the north east area of the site-- hydraulic analysis -385 acres contributes the water to the site-- the preliminary calculations-- for 100 year storm-- 5 by 10 culvert is able to handle the amount of water for a 100 year storm-- reconstruction of an open culvert will have little or no impact. Design may have some terrace drops-- stone with steps-- 85 of Nyack is impervious-- Huge boulders are clogging the culverts-- banks of the channel will be made - of vegetative rip wrap-- fabric will permit growth-- not fully done-- does not expect flood waters above-- channel will be same size of the culvert-- can handle the flow. Channel will be graded to prevent overflow. Applicant address the pinch points contemplating a fence for Public Safety -- open parklike setting-- more detail all of the architectural aspects relative to the brook-- and the water flooding-- Board suggests additional consideration to whether there might be more grading and landscaping-around the pool.

Onsite water-- project -- considered a redevelopment project-- onsite treatment-- Applicant anticipates a reduction of the impervious surface-- pervious pavement-- 30% is pervious pavement-- may want to consider fully pervious surface as far as the asphalt-- research -- suggest that roadways-- holds up -- underdrain into a filtering system-- permeable soils below-- Rain Gardens-- sized for certain drainage-landscaping strip-- roof gardens- with three treatment systems--water quality-- treated-- disturbed impervious -- less impervious surface and treatment. All to be further defined and shown.

Traffic-- engineer-- concerned about the parking spaces-- South Nyack concerned-- Harry Baker-- project was mixed use traffic counts at various intersections. counted existing traffic, counts all of the vehicles Once they have the base data-- 4 consecutive periods-- base traffic conditions-- capacity of each of the intersections six levels of service A to F-- timing signal at South Broadway and Cedar-- Based condition was A or B-- four way stop-- at Cedar and No build condition vs. fully rented out-- compared end of 2016 as a starting point--no other projects to be accounted-- 2% percent-- increase-- found no changes- Board Question of how much traffic would 135 units generate-- plus mixed uses-- Traffic Engineer stated he used trip generation handbook-- mid-rise apartments-- morning peak-- 42 trips and afternoon 54 vehicle trips. Specialty Retail 2735 square feet-- generates 28 trips with 12 entering and 13 exiting Cafe shop-- the morning and afternoon peaks-- generate 91 trips in morning and 34 in afternoon. put the trips to the intersections to the traffic, etc.-- assumptions for the South Broadway-- heavier percentage sent toward South Nyack-- reductions for trips-- runs (compared to) to the No Build-- want to see the incremental changes to see if there were impact-- de minimus changes in traffic. Table 4 of the traffic lights Parking-- looked at the zoning code- pg 7 of the report- found that the code required 213 spaces required-- then the parking manual and can run analysis of what they would require under the

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circumstances-- parking manual is a compilation of parking studies-- over night because peak parking demand-- ITE wanted 184 spaces-- proposed required 213 spaces-- assuming 135 units-- Village of Nyack required more parking-- very conservative-- Traffic Consultant - more than enough parking-- good comparison-- 4th Edition. Land use code 223 -- midrise apartments-- Generally still working on the details and engineering-- moving that along.

Long Form SEQRA-- Unlisted Action-- Planning Board -- by motion of Klose, Planning Board declares its intent to be lead agency for SEQRA-- and referrals to all of the implicated agents. second by Keene- (Vote--passed 5-0).

South Nyack is still looking at the situation and wants to comment more thoroughly. Rockland County will be getting revised plans and reviewing

Child Impact Study-- supplemental information -- tax assessor to review fiscal impact-- saying that there will be positive cash flow-- to be commented on by the Nyack School District

Water will support the sprinkler and the hydrant and the water needs-- Submitted documentation as to the volume of water for Orangetown and Nyack Water-- will need Letters stating that it can serve the project

Lighting Plan to be submitted-- night sky plans-- removing cobra lights--

Chairman Klose raised the issue of the distance between the street to building 26 feet-- because of the landscaping and mixed use-- this will set the benchmark for the future development of the bike path. The applicant and the board agreed that the bike path and open space would be beneficial.

Phase I and II Environmental Reviews have been performed. Two in ground oil tanks have been removed and remediated--

Need title report and a survey-- actually have privately owned street-- owned by the property-- separate street and tax map-- Attorney to review.

Public-- NONE

The PUBLIC MEETING REMAINS OPEN.

OTHER BUSINESS-- Motion to adjourn by Chairman Klose, seconded by member Voletsky. Vote 5-0. Meeting adjourned at 11 pm