

**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 December 15, 2014 Minutes-- second by Voletsky -- Vote 5-0 approved.

Alan Englander-- recuses from #2 and Voletsky from #1.

**1. 26 Sixth Avenue. Peter Voletsky. Application to remove a rear yard Black Walnut Tree.**

Building Inspector Arborist's letter enclosed. Property is in SFR-1 zoning district.

**Applicant--** *Planning Board Member-- remove small black walnut tree pushing up the patio and stones hangs over neighbor's property -- poisonous to other trees--Replace various other trees and letter from the arborist.*

**Public Comment --** none

**Board--** *Motion to close the public hearing by Klose, with second by Keene Vote 5-0 to close hearing approved. Kestenbaum sitting.*

**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.

RESOLUTION By motion of Chairman Klose and seconded by Jean-Gilles that the application dated December 8, 2014 to remove a tree is granted subject to the applicant planting discretionary landscaping to be selected by the applicant to mitigate any off premises water flow. **Vote: 5 – 0 in favor.**

**2. 2-6 North Midland Avenue. Barry Terach for Joseph Lagana. Site Plan application to demolish existing structure. Property is in TFR zoning district.**

Member Alan Englander recuses from hearing and discussion.

*Building Inspector-- Architectural Review Board offered a positive recommendation for demolition at 12/17/2014 meeting.*

**Applicant--** Mr. Lagana-- solely for the demolition of the existing disaster of a building.

**Public Comment** -- Joe Shatoff-- actual plan for construction will be the subject site plan.

**Board**-- Motion to close the public hearing by Klose with respect to demolition permit, with second by Peter Voletsky Vote 5-0 to close hearing approved for demolition only. ALL OTHER ISSUES OPEN.

**Board Actions and Resolutions:**

**With respect to SEQRA**-- The proposed action relative to the demolition permit 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 Jean-Gilles , to issue demolition permit by application dated 11-21-14 and plans as overseen by the Building Inspector and approved by the ARB. **Vote: 5-0 in favor.**

3. **45 Route 59. Jeffrey Tognetti for Catalyst Trade & VC, LLC. Site Plan application for demolition of existing structure, construction of a two story building and recommendation to Zoning Board of Appeals.**

*Building Inspector-Property is in CC zoning district. Architectural Review Board offered positive recommendation for demolition on 12/17/2014. Application remains open for design elements. Seven parking spaces required, ten are being provided.*

*Per Article IV VON§360-4.3 Dimensional Standards Table 4-1 area variances are required for a lot size of 7,133 sq.ft. where 7,500 sq.ft. is required and a rear yard of 5 ft. where 25 ft. is required has been referred to Rockland County Planning, Town of Clarkstown and NYS Department of Transportation.*

**Applicant**-- John Atzl-- George Lopez-- demolish the building-- 2 story building -- 2500 square feet-- parking met. As of Right Use on an existing Lot-- Variance is to put the building in the rear of the lot-- push the building-- the whole rear is parking-- The site has a pitted retaining wall on the east side and an 18" retaining wall on the west side that rises to about 2 ½ feet towards the rear end. Property is an old house next to the former Kentucky Fried Chicken site. The bldg. has a brick foundation and clapboard siding. Rehab is cost prohibitive. Owner prefers to demolish existing bldg., and construct a new 2500 square foot one for use as office space. The proposed use is as of right. The demolition project is a type 2 action and has been referred to Rockland County Planning Dept.

**Public Comment** - NONE.

**Board--** Englander concerned about the permeable pavement-- applicant will look at the products and will work toward reducing all runoff from the property. Planner explained to the applicant that such storm water mitigation was necessary.

Drainage will be zero run-off as per DEC requirements. Applicant agrees to discuss with village engineer ways to catch runoff on site and either store underground, use pervious surfaces, or utilize some other form of green infrastructure.

Klose moves to close the public hearing for the demolition permit ONLY-- second by Keene-- 5-0 approved.

The Board thoroughly discussed the problems of ingress and egress from the site as Route 59 is a difficult location to be turning into the location. Applicant will develop site plan to address Right Turn only off the site, will address the NO left turn into the site. The biggest issue is cars turning in and out of the site. Applicant stated that the entrance is designed as per Dept. of Transportation (DOT) standards and will have signs and a mountable concrete island. The curb-cut will be completely re-done to meet DOT standards. A highway work permit is required but not at this stage. It will be necessary when final submissions are made for approval.

**Board Actions and Resolutions:**

**With respect to SEQRA--** For this meeting the demolition permit and renovations are Type II actions.

**Variances--** RESOLUTION By motion of Chairman Klose and seconded by Voletsky and given that the planned improvements appear to improve the location of this commercial type lot, improve conditions, and not have any perceived detriment to the character of the neighborhood, the Planning Board resolves to make a positive recommendation to the ZBA *Per Article IV VON§360-4.3 Dimensional Standards Table 4-1 area variances are required for a lot size of 7,133 sq.ft. where 7,500 sq.ft. is required and a rear yard of 5 ft. where 25 ft. is required* 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.**

**Demolition --** RESOLUTION by motion of Chairman Klose and [seconded by Voletsky] -subject to reasonable restrictions proposed by the ARB and the Building Department. **Vote: Passed in favor 5–0. The rest of the site plan and final site plan application for elevations, site plan approval etc. remains open.**

4. **104 Jackson Avenue. Eric Caoli. Site Plan application to permit two storage containers on property along with existing shed and request for recommendation to Zoning Board of Appeals.**

Building Inspector-- Property is in TFR zoning district. **Per Article III VON§360-3.2E (1)(a)(b)(c)[1]&[2](h) the following applies:**

**Accessory building or structure:** (a) Accessory buildings and structures shall be compatible in design with the principal building and shall be designed to fit in with the existing development pattern in a neighborhood and overall character of the area. (b) The Architectural Review Board shall review the design of accessory buildings and structures for design compatibility within the area of visual impact, except for garden or storage sheds less than 140 square feet in area. [Amended 5-26-2011 by L.L. No. 6-2011] (c) An accessory building may be located in any required side or rear yard, provided that: [1] Such buildings shall be set back three feet from any lot line and, if separated from the principal building, it shall not be located less than five feet from said principal building. [2] All such buildings in the aggregate shall not occupy more than 30% of the area of the required rear and side yards in which it is located. (h) No accessory building in a residential zoning district shall exceed 7% of the maximum building coverage. 396 sq. ft. of accessory structures are permitted. 511 sq.ft. is currently on the property, including existing shed, two 8'x20' storage containers and one 6'x9' portable storage container. Footnote (h) limits size of accessory structures in a residential zoning district to 7% of maximum building coverage-which I calculate to be 1176 sq. ft. 7% of that figure would permit an accessory structure to be no larger than 82 sq. ft. in size. At 160 sq. ft. the two 8'x20' storage containers are twice the permitted size.

Except for the existing shed, the building inspector would consider the other units to be storage containers rather than storage sheds not compatible with the above requirements. Additionally, the container located to the east is not only not the required 3' from the east property line, it is on the stone wall on the neighbors' property according to information contained on submitted survey and accompanying Photos. At this point area variances will be required for accessory structures greater in total square footage than permitted, storage containers greater in size than permitted, a structure less than 3' from property line and a structure less than 5' from the principal building. **The applicant is currently operating his business from this address based on a June 30, 2008 variance permitting the parking of two commercial vehicles greater than ½ ton in a residential district. ARB did not approve this submittal and suggested applicant re-design storage containers.**

**Applicant**-- did not appear. . . . He may have taken the opportunity to re-design--

**Public Comment** -- None -- public hearing is continued.

5. **63 Washington Street. Richard Modaferrri. Site Plan application to convert a two family house to a three family house and request for recommendation to Zoning Board of Appeals for a use variance.**

*Building Inspector-- Property is in TFR zoning district. Since three family homes are not permitted in the TFR Zoning District a Use Variance is required from: **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.”***

**Applicant**-- did not appear last month- the application remained open. Application -- PE -- Mary’s brother in law-- two family house owned and lived in-- went through a divorce and are now living in three floors-- was already illegally converted to a three (3) family. Application seeks a Use variance-- the divorce is causing significant hardships-- uniqueness-- Three family not permitted in this district. The applicant made no real attempt to show any of the relevant factors required by the restrictive USE variance. In particular, it would appear that the applicant does not have “clean hands” because the house was illegally converted to a three family from two. Note: the building inspector’s note. Obviously, they created their own hardship under the zoning law, and could recognize a reasonable return by selling the property. The family hardship is not a consideration to be used under the law of USE variances.

Chairman Klose expressed deep reservations about owners having “unclean hands” as they previously converted the two family property into to a three family by calling it a “storage space” in a prior application. Building Codes- are a separate issues-- that are NOT being considered. The only issue that is before this PB tonight is the recommendation to the ZBA concerning use variance.

Letters from neighbors-- dated 11/20/14 and 1/4/15 -- from - Mews-- 65 Washington and from Matt-- across the street-- people who share the rear yard. Applicant cannot really meet the test.

Public - NONE-- no

**Board Actions and Resolutions:**

**With respect to SEQRA--** *Type II action exempt from review but because there is a use variance there is a referral to county and to the South Nyack*

**Variances--** RESOLUTION By motion of Voletsky and seconded by Englander to send the application to the ZBA with no recommendation as to the propriety of the Use Variance with note of concern relative to the circumstances of the applicant. Vote: 4 – 1 in favor. Klose would not recommend a use variance in this situation.

ALL OF THE other issues remain open-- subject to review by the ZBA and grant of any such variance.

**6. 263 Main Street. Bart Rodi for Rockland County Action Coalition Housing. Site Plan application to demolish existing building and construct a 33 dwelling, three story residential building.**

*Building Inspector --Proposal is to demolish single story structure and construct a three story multi-family apartment building with parking below ground. Property is in both the DMU (Main Street) and TFR (Depew Avenue) zoning districts, with the rear of the building encroaching into the TFR 25'+/-. An area variance will be required from Article II VON 360-2.2C which states: “**Lots in two or more districts.** Where a single lot is divided by one or more district boundary lines, the regulations for the less restrictive portion of such lots shall not extend into the more restricted portion of the lot.” An area variance will be required for 9 Efficiency Units of 450 sq. ft. from Article III VON§360 4.1360-3.2A (1) (b) which allows dwelling units in Mixed-use dwellings (which this is not) to be 450 sq. ft.: **Mixed-use dwelling:** “The minimum habitable floor area in an efficiency dwelling unit shall be 450 square feet and 600 square feet for a one-bedroom dwelling unit.”*

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

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

**PARKING:** *A variance will be required for 2 parking spaces, where 43 spaces are required and 41 are proposed, unless credit is taken for existing retail use ( Per Article IV VON§360-4.5B(3) ) which is assigned 13 spaces. ( 5040 sq. ft. of retail space @ 400 sq. ft. per parking space results in 13 existing parking spaces for code analysis)*

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*Application remains open before ARB. ARB granted positive recommendation to Planning Board for demolition of building at 11/19/2014 meeting.*

**Applicant--** Bart Rodi- Jerry Levy Bert Hughs-- Mario Supeppi-- two fold application the applicant does not own the property, but will be the responsible party undertaking this project-- demolish the building looking for a three story building-- project-- non-profit looking for state funding. In the design they will need several variances-- DMU and TFU -- variances-- 450 square foot-- efficient- changed in the text of the Zoning Code to allow 9 apartments at 450 square feet -- 8 are handicapped accessible-- various disabilities- - there is a Van-- all units are “affordable” funding comes from Community Renewal-- Grant -- 9% tax approval. The applicant needs the variance for unit size because the code had a typo-- Planning Board already opined upon the size of 450 efficiency apartments, and the zoning code will be amended.

As for the approval process. Building Inspector is concerned that the Demolition be contingent as to funding, ownership, etc. And the Applicant indicated on the record that they would not be removing the building unless and until they had funding and site approval.

Chairman Klose, Voletsky and Englander expressed deep reservations about the massing, size and scale of the Side Elevations. The 3-4 story buildings on the upper side of the Main Street will dwarf the adjacent houses, and put the windows of the tenants in direct view of their downhill neighbor. At the present time, the renderings read massive, and appear to be extraordinarily large for the long skinny lot. Planning Board to address this issue as a site plan if the ARB has failed to modify this project and the Applicant cannot make this more visually appropriate for this particular lot. VON Code 360-5.7 (d)1-- permits the PB to consider as a site plan element the massing- scale and size of the property and would like to see the monolithic structure improved-- carefully review and decide on massing scaling etc.

Parking-- Credit for 13 spaces-- but needs to provide 41 spaces-- federal parking study -- showing the affordable housing -- they have a study which details the minimum spaces for non-driving clients--Planning Board would like the Planner to opine upon the parking situation and this particular ownership structure.

Rear yard setback and two zones requires the variances that are being considered.

**Public Comment -- NONE**

**Board--** reviewed the site plan discussed the massing, the parking and general design characteristics.

Motion by Klose to close the public hearing with respect to the demolition permit-- (ARB-- 11-19-2014 meeting) and Variances with second by Voletsky for demolition ONLY (subject to applicant approvals and funding). Vote 5-0 to close hearing approved.

**Board Actions and Resolutions:**

**With respect to SEQRA--** unlisted action PB declares its intent to be Lead Agent for SEQRA review and will determine significance at the time of site plan review- Jean Gilles seconds the intent to be lead agent -- Vote 5-0 -

**Variances--** Motion by Klose second by Voletsky to issue a positive recommendation as to the limited variances requested and in particular to encourage the redevelopment of this property responsibly, and after due deliberation, the Planning Board is inclined to recommend the variances being considered, to wit, Property is in both the DMU (Main Street) and TFR (Depew Avenue) zoning districts, with the rear of the building encroaching into the TFR 25'+/-. An area variance will be required from Article II VON 360-2.2C which states: **“Lots in two or more districts.** Where a single lot is divided by one or more district boundary lines, the regulations for the less restrictive portion of such lots shall not extend into the more restricted portion of the lot.” An area variance will be required for 9 Efficiency Units of 450 sq. ft. from Article III VON§360 4.1360-3.2A (1) (b) which allows dwelling units in Mixed-use dwellings (which this is not) to be 450 sq. ft.: **Mixed-use dwelling:** “The minimum habitable floor area in an efficiency dwelling unit shall be 450 square feet and 600 square feet for a one-bedroom dwelling unit.” subject to reasonable conditions imposed by the ZBA and ARB-- **Vote to approve the motion 5-0.**

7. **60 Cedar Hill Avenue. DCAK for Pavion Project. Continuation of Site Plan application and subdivision to demolish existing structure and construct a mixed use building, Special Permit from the Planning Board for an increase in FAR from 0.75 to 1.0 for a Mixed Use building and an increase in building height from two to three stories for a LEED Certifiable building, and a recommendation to Zoning Board of Appeals for increased density.**

*Building Inspector-- The permitted FAR permits a building larger in size than the permitted dwelling unit density requirements. For various reasons the applicant chooses not to use the “additional” space for commercial purposes. Rather, the proposal is to seek a variance for an increase in density to enable that space to be used for additional dwelling units.*

**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 3.935 acres 70 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 109 permitted DU's. The applicant proposes 133 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.**

<b>DENSITY</b>	
3.935 Acres@ 18 units per acre =	70 DU
40% increase for incentives=	29 DU
Affordable Housing Units=	<u>10 DU</u>
<b>PERMITTED</b>	109 Dwelling Units
<b>Area Variance</b> for 24 DU's (Request to use additional FAR space for DU's)	<u>26</u> 135 DU's <b>PROPOSED</b>

**HEIGHT**

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

**FAR**

Building calculated at 171,420 sq. ft. (Indicated as 1.0).

**PARKING 212 Parking Spaces required. 220 Spaces to be provided with proposed angled parking of 16 Spaces on Franklin Street side. If angled parking is not approved there are 9 proposed parallel parking spaces on Franklin Street side (totaling 213). These spaces will be on Pavion property even though they appear to be on Village POW. There is an inclination by the developer that this property would be deeded to the Village.**

**GENERAL NOTES:**

1. **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.
2. **360-3.2B (8)** Individual retail sales or services shall not exceed 5000 sq. ft. in floor area.
3. As proposed, the combination of commercial and residential units comprise 137,398 sq.ft. of 171,420 sq. ft. of permitted FAR. Applicant requires a variance for 26 DU's and will seek to use remaining FAR square footage for residential use as opposed to commercial/retail use. The remaining undeveloped square footage permitted for construction would be 34,022 sq.ft. Rather than create additional commercial space, the applicant is seeking an area variance for an increase in density to develop the 34,022 sf. as dwelling units. **(Article IV VON§360-4.3 Dimensional Standards Table 4-1 for 135 Dwelling Units where 109 Dwelling Units are permitted).**
4. Traffic Study, Child Impact Study and hydrant flow test enclosed.
5. After much discussion and request for modifications and further clarification, the application before

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*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 Attorney-- notes that the Village of South Nyack has written a letter expressing some concerns: Excerpting from the Letter-- “This will acknowledge receipt today of your two (2) separate items of correspondence relative to the land use application, which as noted is scheduled before the Nyack Planning Board at its January 5, 2015 meeting. It was very helpful to receive the comments in advance of the January 5<sup>th</sup> meeting. The Nyack Planning Board acknowledges and appreciates the two page letter wherein you indicate that South Nyack has “done a preliminary review of plans” for the project; two versions of the proposal have been forwarded to South Nyack to date for review, plans dated November 7, 2014, and revised plans dated December 12, 2014. Your two page letter raises observations and concerns regarding substantive traffic and parking issues and their potential environmental impacts, which the Nyack Planning Board as Lead Agency will carefully consider in making its determination of significance as Lead Agency. Specifically, your comments regarding traffic (both vehicular and pedestrian) and parking will be forwarded to the applicant’s traffic consultant as well as the consultant retained by the Village of Nyack for review and comment. That being said, the Nyack Planning Board will carefully consider the underlying substance of your claim for involved status in its review of the project as Lead Agency under SEQRA, particularly as to compliance with the South Nyack specifications of any proposed sidewalks, paving, and streetlights. It would be helpful if you could submit the referenced South Nyack specifications to the Planning Board, particularly the streetlight specifications, which do not appear to be located in your Village Code.*

*The one substantive paragraph of the second item of correspondence you submitted (which consisted of a single page), exclusively deals with your request to have the Village of South Nyack designated as an involved agency, in this case based solely upon your conclusion that the “proposal requires South Nyack to grant a curb cut application on Cedar Hill Avenue.” Once again, the project does not contemplate any new curb cut; nor does it appear that your delineation of the municipal boundary is based on anything other than speculation. Any other evidence or documentation you can provide to assist the Lead Agency in understanding the extent of your claim of South Nyack’s jurisdiction would be greatly appreciated.*

*It is important to emphasize that if the Lead Agency does not designate South Nyack as an involved agency that such a determination will not prevent the Lead Agency from carefully considering each and every substantive potential environmental impact you raise in your correspondence. As noted above, the substantive concerns you raised concerning traffic and parking will be referred out for expert review, and the Lead agency will carefully consider these important issues when making its determination of significance.*

**Applicant--** Matt Sheffield--changes to the plan--starting with the parking on South Franklin angled parking with street width and the work relative to the 45 degree parking -- picked up 7 spaces--

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width of the spots is 8 feet-- angled parking-- means that they need 19 feet there is still 11 feet bike lane is as a placeholder-- Village will consider the bike lane-- Esposito trail-- not a vehicular bike lane-- expanding-- Esposito trail -- have the bike lane closer to the sidewalk. Moved the building back from the sideway-- engineer feels that there are no real downgrades of service-- there is no queuing and no lights--

Current usable width of Franklin Street- deducting the curb to curb -- 37 feet and 55 feet at the end-- functional width -- No physical change

Angled parking on Hudson -- too narrow of a road-- would lose all of the parking-- one way street-- would need to eliminate parallel parking on both sides likely to gain two spaces-- gain a few spaces by eliminating curb cuts. Interior Parking-- 126 interior spaces- still have 72 spaces underground parking-- 6 garage spaces along Cedar Hill --

Traffic study etc.-- to be commented-John Meyers Associates-- Planning board recommends hiring the consultant Klose recommended Keene -- resolve to go with the backup consultant-- Michael Galanty at FP Clark Associates after the applicant has disclosed that they have been working with the applicant -- on another project.

Village Planning Board has provided a Scope of the Work and received a contract for a traffic consultant has scoped the angled parking and -- we need to approve a full review by the traffic consultant.

Fire Chief has made comments on the plan and the applicant has or will incorporate

Nyack Brook widened-- adjusting the alignment and width of the trench-- no impact on the brook more survey information-- the other end of the culvert-- continues to the

Landscaping and lighting plans-- some double headed fixtures-- height of the lighting on the street side-- decorative -- street light specifications-- south Nyack will send some specifications-- LED lighting and dark sky's limiting the lighting options.

Kestenbaum asked about maintenance plans with the brook and with the landscaping Inspection and plan that will be adopted as part of the county filing- template for the Village to require the maintenance of the brook.

**Public Comment** -- NONE - other than the written comments of Village of South Nyack which concerns are:

*1. The concern that the applicant's EAF does not cite the Village of South Nyack area adjoining the project site as a "Critical Environmental Area" ("C.E.A."). In this regard, please note that the EAF calls for the identification of any New York State listed C.E.A... Unfortunately, the Village of South Nyack does not appear to have an approved LWRP, and does not have a New York State listed*

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*C.E.A. – while the C.E.A. is exclusively referenced in the South Nyack Zoning Code has not been filed with the D.E.C. Commissioner. Therefore, the South Nyack C.E.A. is a locally designated C.E.A., only referenced in local zoning code (South Nyack Zoning Code IV-110-4.5 (B)), and the applicant’s answer for EAF Part 1, E.3 (d) is correct since it indicates that the project is not within or adjacent to a State listed C.E.A.. Notwithstanding the foregoing, the Nyack Planning Board has considered the substance of the locally designated C.E.A., a stormwater run-off area west of the centerline of Broadway and east of Route 9W, in its review of the project as Lead Agency under SEQRA. Any data you can supply regarding a potential for storm water runoff issues relative to this site or proposal for the Lead Agency to consider would be very helpful (i.e., data relied on when the local C.E.A. was adopted).*

*The project site served as a manufacturing facility for many years, and much of the existing lot coverage is impervious. You have no doubt noted that the project contemplates utilizing green building techniques designed to introduce more pervious surface to the site, and also contemplates “daylighting” the Nyack Stream as it passes through the project site.*

With respect to the Letter from South Nyack is dealing with runoff-- they have inquired regarding storm water -- increases of the impervious surface- 171,420 square feet site -- 47,779 of pervious and 123,641 sq ft of impervious surface-- pre-developed and after development pervious will be 67,017 and impervious 104,348 net reduction of 19,293 of impervious surface-- porous pavement and landscaping improves the storm water then there will also be green roofs-- 15.6 percent reduction of impervious surface-- reducing the amount of stormwater -- runoff number is going to be removed-- Stormwater management 12-12-14- Brooker Engineering will review -- water quality and quantity must be addressed and approved by the Village Engineer-- re-development codes-- there will be treated-- nothing in place now, it will be improved.

The PB believes that this is an important runoff issue which the Applicant has addressed and will continue to address. We await additional concerns by South Nyack.

**Board**—considered the report of the *Village Engineer (Brooker) of the re-submission of documents in support of the above captioned application. Additionally we have met with the applicant’s engineer to discuss in detail the drainage concerns regarding development of this property.*

*The submission consisted of the following:*

- a. Site Plans entitled Nyack Pavion, Village of Nyack, sheets TS-001, GN-001, C-100 through C-106, C-500 through C-505. C-100 prepared by Atzl, Nasher, & Zigler. All other sheets prepared by DCAK MSA Architecture and Engineering, last revised 12/12/14.*
- b. Draft Hydrologic and Hydraulic Analysis, prepared by MJS Engineering, dated December 2014.*
- c. Preliminary Stormwater Pollution Prevention Plan, prepared by DCAK-MSA Architecture and Engineering, dated 12/12/14.*

*We are not in receipt of Architectural Plans or a Landscape Plan.*

*Our comments are:*

Drainage and Grading Review

1. *Our office has reviewed the sizing calculations for the new concrete culvert and concur that a 12'W x 5'H box culvert is acceptable.*
2. *As discussed with the applicant's engineer a slight realignment of the proposed culvert and open channel section of the Nyack Creek was requested.*
3. *As discussed additional off-site planimetrics and topography, including creek and culvert inverts, is needed at the downstream section of the culvert to transition and connect to the existing open channel. This will require an off-site improvement.*
4. *Additional off-site planimetrics and topography is also needed upstream of the subject property on Hudson Avenue and potentially on the Nyack Housing property. An off-site improvement may be needed to successfully transition to the proposed open channel.*
5. *The storm drainage conveyance system throughout the parking areas should be shown. Roof leader down spot connections shall be indicated.*
6. *The site development is proposing the use of permeable asphalt as a mitigation measure for water quality treatment of surface runoff. Though this is an accepted practice in terms of NYSDEC regulations, we have not yet seen this type of application have success in our region. Generally, it is recommended the traveled way or drive aisle remain traditional pavement with the parking stall areas being constructed with a pervious type material.*
7. *This is due to the potential for pavement compaction and clogging over time with frequent vehicular use thus negating the perviousness of the pavement. A detailed specification shall be provided. Pervious concrete pavement should be considered in lieu of permeable bituminous pavement. Testimony shall be provided regarding installation history of existing projects/sites in the area that use said product.*
8. *The Maintenance Plan shall specifically detail the means and methods to maintain the pavement.*
9. *Soil testing/ permeability test results shall be submitted to confirm the viability of the soils for this type of system.*
10. *Proposed elevations including contours and spot elevations are required to be provided throughout the site.*
11. *Detailed grading is required to confirm ADA compliance along the ADA ramps and sidewalk routes into the structures.*
12. *Standard municipal type catch basin frame/grates should be utilized in lieu of the reticuline grate which is customarily used in highway applications. Curb pieces with environmental heads shall be utilized where appropriate.*
13. *The existing drainage conveyance system to be removed and/or relocated shall be clearly indicated.*

Layout Plan

1. *All ADA ramps within the site shall be indicated on the plans.*
2. *The current NYSDOT ADA ramp details should be utilized with the site specific configurations added to the plans.*
3. *We recommend the location of the trash/recycling enclosure on the east side of the site be re-located to an end aisle for ease in pick-up.*
4. *The size/number of trash/recycling enclosures do not appear to be sufficient for the size of the development.*
5. *All internal curb islands and end islands shall have radii noted to in lieu of sharp corners.*
6. *The limit of curb and sidewalk replacement should be indicated along the full property frontage.*
7. *Additional dimensions shall be added for amenities- clubhouse, pool, and gazebo.*
8. *Are there any sidewalks proposed on the north side of the eastern building along Cedar Hill? Where, how would those utilizing the ADA parking stalls travel?*
9. *There appears to be parking stall striping in front of the access to the garage spaces. Please clarify.*
10. *A means of pedestrian access across the rain garden should be provided to allow those utilizing the on street parking on Franklin to gain access to the sidewalk without having to walk in the road/bike lane to either corner.*
11. *Structural details and calculations will be required to be submitted for any retaining wall in excess of 4 feet in height. A professional engineer will be required to certify construction of the wall(s) at the completion of the project and prior to receiving a certificate of occupancy.*
12. *Protective fencing shall be added along the top of any wall.*
13. *How will mail delivery be accommodated? Will individual mailboxes or centralized multi- unit mailboxes be proposed?*

14. *Site ID signage shall be shown.*
15. *Traffic markings/directional signage shall be shown.*

Utility Plan

1. *All proposed sanitary connections shall indicate inverts and clean outs. Construction details indicating, size, slope, material shall be shown.*
2. *We defer to the Water Dept. engineering consultant for review of the proposed water main relocation.*
3. *Schematic gas, telephone, cable lines should be shown.*

Lighting Plan

1. *The isolux footcandle contours and/or spot intensities shall be indicated for lighting throughout the site.*
2. *Illumination should be shown throughout to confirm sufficient levels of lighting are proposed along all sidewalks.*
3. *The illumination of the gazebo, pool area, and outdoor gathering area shall be shown.*
4. *Building mounted lighting shall be shown.*

**Board Actions and Resolutions:**

**With respect to SEQRA**-- Member Klose, moved, member Voletsky seconded, and the board carried the following Resolution: Resolved to declare the Nyack Planning Board lead agency for the purpose of a SEQRA review of the Pavilion Project (site plan and subdivision) pursuant to the Notice of Intent circulated on December 2, 2014; It is further resolved that the Village of South Nyack is determined to be an interested, but not involved, agency in connection with the SEQRA review; based on the opinion of the Village attorney dated January 2, 2015, it does not appear the Village of South Nyack will have a discretionary decision to make regarding some aspect of the action, and It is further resolved that the Planning Board, as Lead Agency, shall carefully consider all substantive concerns raised by the Village of South Nyack in reaching a determination as to the environmental significance of the action, and that the Village of South Nyack shall be provided with written notice of all meetings and determinations of the Lead Agency. **Vote passed 5-0.**

8. **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.

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

**Applicant**-- *site plan and subdivision held in abeyance until the entire process reviewed further at February 2, 2015 meeting.*

*The PUBLIC MEETING REMAINS OPEN.*

**OTHER BUSINESS**-- Motion to adjourn by Chairman Klose, seconded by member Voletsky. Vote 5-0. Meeting adjourned at 10 PM.