

**Members Present:**

Peter Klose (Chairman)  
Daniel Jean-Gilles

Peter Voletsky  
Alan Englander

**Also Present:**

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

**Absent:** Glen E. Keene

- 1. 150 Burd Street Kier Levesque for Alex Vursta. Property is in DMU Zoning District. Site plan application to demolish existing commercial buildings and construct new multi story, mixed use building.**

*Building Inspector- Current proposal is a change from previous application. Properties now exist as two separate lots. Proposed building sits on a lot 63'x63' (3,969 sq. ft.). To take advantage of lot size calculations based on combined lots of 8,365.85 sq.ft. a subdivision will be required by Article IV VON§360-4.13F(2) to combine the two lots.*

No Subdivision application has been filed, the Planning Board took no action because the requested density variance is too large. (See below).

*Density requirements of 30 dwelling units per acre permits the creation of 6 DU's on these parcels. An **area variance** will be required from Article IV VON§360-6.1 Table 4-1 for 9 dwelling units where 6 are permitted and 15 dwelling units are proposed.*

Planning Board members have visited this site, reviewed the proposed plan which requests a five (5) foot bump out of Burd Street, reviewed the size of the variance requested and considered the undersized nature of the apartments, and consider the requested variance of nearly 100% to be too much for this location.

*Per Article IV VON§360-6.1 Dimensional Standards Table 4-1 an **area variance** will be required for a 4.5 ft. proposed rear yard setback above the first floor where 15 ft. is required.*

Chairman Klose stated that he believed the need for this variance is only indicative of the overall oversized request for this particular density request. Applicant is unwilling to reduce the requested variance for 15 DU, where 6 (8 with affordable housing credit) are permitted.

*Per Article IV Von§360-6.1 Dimensional Standards Table 4-1 an **area variance** will be required for 12 Dwelling Units of less than 600 sq. ft. where 600 sq,ft, is required.*

**Notes**

Member Klose-- stated that the requested variance is much too much density for the location given the build out of the entire lot, the lack of any other similarly situated projects, the potential that a variance of this size would create a dangerous precedent for over dense projects in this neighborhood. Not sure that this block is appropriate for mimicking Main Street.

Applicant notes that the first floor can go all the way to the property line-second floor balconies violate the zoning and require the variance. Again, the variance here is indicative of the overly large requested density variance.

Members Peter Voletsky-- and Dan Jean-Gilles --are not comfortable with the density of the project

- majority of the units are undersized--
- problem of narrowing the street-- not good planning
- seems like we are squeezing more units in smaller space
- proposed building is three stories-- and will not be in keeping with the rest of the street

Alan Englander would also like to see the density decreased.

*Building Inspector notes that 14 parking spaces are assigned to the current use of property, (8 for offices + 6 for retail). 16 spaces are required for current proposal (3 for offices + 13 for efficiency units). Per VON§360-4.5B3 two (2) additional off street spaces must be provided. Nine (9) are being provided. Further, per VON§360-4.5J the provisions of combined use spaces would also apply and required parking could possibly be reduced from 16 (13 +3) to 10 (13-3) with consent of ZBA.*

*There is a proposal to create a sidewalk bump-out, similar to current Main Street configuration, to add additional green planting and buffering of off street parking. Applicant is seeking input and recommendation to Village Board and Zoning Board of Appeals.*

*Fire department will be consulted regarding change to street configuration.*

**AFFORDABLE HOUSING LAW APPLIES-BUT HAS NOT YET BEEN ADDRESSED.  
SITE DRAINAGE ISSUES HAVE NOT BEEN ADDRESSED.**

*ARB offered overall approval of the project but requested a line drawing of building heights, east to west of building and details of sidewalk bump-out with plantings at 1/16/2013 meeting.*

The Applicant has been here before in November, where he was told that this neighborhood would not support such dense development. Here for review of the site plan newly revised and made it a much smaller building-- parking on the east side and the reduced the number of variances. Applicant must supply actual easement with the bank parking lot showing permanent access.

Chairman Klose is concerned that the density calculations should not be relaxed simply to encourage development of the block. The applicant purchased this building knowing he was entitled to six units, now seeking 15 units on a block in the DMU. In the eight years on the planning board he has never seen such a large requested variance, and applicant is unwilling to reduce or discuss reduction of the number of units.

Planner believes that the entire street is going to go to residential-- but also recommends against expanding the density in this particular location. The size of the variance (more than 100%) is too large, especially when considering that 8 is the absolute code based maximum.

Chairman Klose proposes that the Planning Board issue a **negative recommendation** to the Village Board and to the ZBA for all variances, particularly the density variance, which causes the need for all of the other setback and apartment size variances for the grounds stated above; and proposes a negative recommendation to the Village board concerning the bump out for the Burd Street on the ground that the all of the variances for the proposed project are caused by the need to increase the proposed density by nearly 100%. (Seconded by Jean-Gilles, passed 4-0).

Open items: In the event that the applicant proceeds, Planning Board still needs an easement-- from the Bank for entrance. Site plan remains open various issues of ingress and egress, screening and other site plan elements.

The is an unlisted action and requires the applicant to prepare the short form EAF, provide storm-water calculations, and or the information for environmental consideration before the Planning Board can make any determination on the environmental review.

Village board and the Planning Board must have the results from the review of the plans by the fire company to weigh into the analysis.

No SEQRA determination or findings as to the environmental impact-- no stormwater plan treatment of the pavement and bump out. entire site paved.

**2. 19 Main Street. Kier Levesque for River Village Properties. Continuation of site plan application for the construction of three dwelling units and a ground floor gallery/office.**

Building Inspector--Applicant has addressed issue of site runoff with permeable pavers and a rain garden. Project received variance for dwelling unit size from ZBA on November 26, 2012.

Applicant presents Revised site plan dated 10-19-12 and revised 2-4-13-- eliminates the handicapped space eliminated the space and improves the ingress and egress is wider and all of the stormwater is addressed with permeable pervious pavers.

Planting beds-- run off and extended the retaining wall-- dealt with site lines, etc.

No public-comment

Board -- believes that the applicant did a great job complying with the stormwater issues and addressing the concerns of the board.

Based upon the EAF and the findings made at all prior meetings the board finds that there is no significant environmental impact and is prepared to adopt a resolution confirming the negative declaration, seconded by Member Voletsky and approved by vote of 4-0.

Chairman Klose moves to accept the site site plan as drawn and amended (dated 10-19-12 and revised 2-4-13), subject to any reasonable requirements of the ZBA and that all exterior lighting be down facing. Seconded by Englander and approved by vote of 4-0.

**3. 400 High Avenue. Kerry Wellington for KY Management. John Meyer Consulting, PC for W Y Management, LLC. Request for approval of Traffic Engineering Scope of work in connection with proposed hotel.**

Building Inspector-- *Property is in Manufacturing (M) Zoning District Preliminary discussion of 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.*

*An Area Variance is required from Article I VON§360-1.9C(2)(a)(b)(c) &E for existing nonconforming Dimensional Standards of 9.1 ft. north front yard, where 20 ft. is required and 14.4 ft east side yard, where 20 ft. is required.*

Planning Board questioned the applicants and their engineers, confirmed that the existing building is 9.1 from the property line -- existing non-conformity-- action that the applicant is taking to soften the corner is to add landscaping and buffer of Cemetery Lane (potentially owned by the Village)-- separating the 9.1 foot corner-- applicant is going to merge some of the parcels-- looking for quit claim deed to the road and will exchange (through subdivision) a small parcel to the Village. 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§360-6.1 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.*

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

*Demolition will consist of removal of siding and all interior partitions. Steel framework will remain and undergo modifications.*

*Application references several tax lots which are not identified on site plan. 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.*

*It does not appear that a parking variance is required per the PARKING REQUIREMENTS described in Article IV VON 360-4.5B(3) however parking requirements for this type of facility should be taken into consideration.*

Applicant is providing more than 182 spaces for purposes of their employees and guests, no variances are needed given that there are already approximately 80 “grandfathered” spaces.

*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.*

Applicant has agreed to incorporate the landscaping plan with the stormwater maintenance plan and will enhance the project with specific green infrastructure based recommendations for landscaping, stormwater mitigation and removal of pollutants.

*Article III VON 360-3.2B(4) USE-SPECIFIC STANDARDS requires recreational facilities on site such as “swimming pools, gymnasiums and other typical health club facilities , and open space recreation areas” in hotels providing more than 100 guest rooms. An area variance would be required if applicant proposes not to meet these requirements.*

Building Inspector has made ruling that the plan should include a swimming pool, but Applicant disagrees and formally seeks a review of his interpretation both of the suggested amenities for the hotel and for the proposed 12’ by 12’ foot pool-- ZBA determination-- realistic application -- challenge-- required to appeal-- applicant will make the special permit request to the ZBA-- appeal of the Building Department and question of what amenities are required from the code-- interpretation of the code as to the required amenities.

*Interior parking lot turning radii required to confirm fire and emergency ease of access throughout site.*

Applicant will indicate the appropriate turning radii and discuss the plan with the fire inspector.

*Information on permit and plans must be changed to indicate application is now for a 132 room hotel rather than the original submission for 128 rooms.*

***Village Engineer consideration:***

- 1 A boundary survey shall be submitted for the parcel signed and stamped by the licensed land surveyor preparing the same. The Tax Map data readily available from Rockland County differs considerably with the boundary data presented on the project plans.*

Application will require a subdivision and land swap with the village but all lots will be merged.

- 2 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.

- 3 *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 128 rooms at 1.5 spaces per room the required number of parking stalls is 192. 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”.*

Applicant to supply additional details as to the numbers, but no actual variance will be required.

- 4 *We have commenced our review of the Environmental Assessment Form Part 3 and the Stormwater Management section of the SWPPP. Although there is a slight decrease in the existing impervious coverage we recommend stormwater quantity controls be implemented. The redevelopment of this fully developed site represents an excellent opportunity to implement porous pavement and other types of green infrastructure to address the vast amount of stormwater runoff generated from the site.*

Member Alan Englander-- As this property is previously developed, it represents an excellent opportunity for runoff REDUCTION from its present state. To do this, we should attempt to encourage and Applicant will propose the: Use as much porous pavement as practicable. The west parking lot is an excellent starting point. The southern areas are also potential candidates for porous pavement. Provide for more vegetative infrastructure around the property Convert current drainage swales to vegetative swales. Add rain gardens where possible. Consider green roofs on some of the main building, if practicable.

- 5 *Stormwater quality has been addressed by means of a Contech CDS unit. We recommend the run-off from the surface parking lot and drives also be treated for water quality.*

slope here-- so the pervious pavers on the west-- adding island-- milled and re current plan project zero net runoff--applicant will review potential green stormwater reduction plans.

- 6 *A detailed stormwater management review will follow under separate cover.*

- 7 *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 will submit the results of the environmental testing.

- 8 *The existing water service shall be clearly shown. Will a new hot box be required for this project?*
- 9 *Two new sanitary manholes and a new lateral are proposed to accommodate the proposed sewer flows.*
- 10 *The location of the proposed electric service should be shown on the plan.*
- 11 *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.*
- 12 *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.*
- 13 *In accordance with section 360-3.2 B (4), the applicant shall discuss the proposed recreational amenities and open space proposed by the project.*
- 14 *A Lighting and Landscaping Plan shall be submitted.*
- 15 *Buffering of the adjacent residential uses should be taken into account when developing the Landscape Plan.*
- 16 *How will trash and recycling be handled? Details of the trash enclosure shall be provided.*
- 17 *Is there any proposed free standing or monument signage?*

**NOTES**

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

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

ARB-- had some comments used to upgraded new 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 182-- spots--

Parking regulations no variance because meets the parking variance-- code requires 198 under the code- 198 required by 80 is deducted-- grandfathering provision-- but they want enough parking

**Traffic**-- Mr. Pearson-- John Meyer traffic engineer- December 27th report-- five intersections counts Traffic consultants shall confirm with NYS thruway authority that the striping and roadway improvements are, or will be approved by the Planning Board.

Counts done in mid-December-- 7-9 in AM and 5-6 PM -- typical work hours found no real adverse impact caused by the traffic. With the hotel-- increased 21 vehicles leaving the site in morning and 30 vehicles at the peak afternoon-- location with the location of the 287 from the east-- heaviest will be directly into the site location--

High Avenue-- recognized and agreed that there might be some queing events-- recommended that High Avenue be clearly striped to add a left turn lane-- to have a separate left turn lane to get to Route 59-- left turn lane recommended-- westbound. Engineer estimates that High Avenue in that location will lose about 2-3 three parking spots on the South Side of High, and will review the proposed upgrades and signage with a Village retained traffic engineer. fire hydrant and no net loss-- not substantial parking north side -- double yellow line would shift the traffic off the off ramp-- two or three loss of parking left hand off the thruway-- all way stop off the thruway-- very long ramp sidewalks-- signage

**Public**-- Members (Herry Gionoti) is concerned about the exit off Cemetery lane -- wants that curve reviewed because her house is right on the corner and cars exiting the site from the north might actually not see the cars and there could be a conflict on Cemetery lane. traffic control, sidewalks signs and lighting will be reviewed by the applicant and village engineering experts. [if someone is walking--

out of the house-- rather than a free flow right hand town-- along the eastbound-- what other improvements-- might be appropriate for that roadway in terms of paving and curbing upgrades].

Construction traffic will use the site and have flag men-- phasing will be important. larger phasing of the construction hours of operation and flagmen will be addressed with the Stacey Warner 308 High Avenue-- sidewalk issue-- consider a sidewalk on the right hand side of ingress; all garbage-- etc-- is not question of how much garbage -- all the pick generation of box trucks

Board would also like the four way stop at High AVenue evaluated with upgrades to signage, lighting and striping to reduce the very trecherous-- thruway-- from all approaches--

Upon review of the plans and expert reviews provided, it is clear that this is an Unlisted Action and Chairman Klose moves to publish the intent of the Planning Board to be the Lead Agency for SEQRA review. The Village Planner and Engineer shall work to review long form EAF.

Chairman Klose indicates that the Village Board must refer the Coastal Application Form to the Board of Trustees for their recommendation on consistency with the LWRP. The Planning Board's evaluation offered to the BOT is that through site planning and stormwater reduction measures to be adopted by the Planning Board and the Applicant any negative impacts of stormwater will be addressed or mitigated. The CAF is hereby referred to the Village Board-- (vote 4-0).

Applicant to discuss the issues with the Thruway Authority

***Scope of the Traffic/Circulation Study***

***WY Management, LLC***

***Hotel 400 High Avenue, Village of Nyack, NY***

*Site plan application by WY Management, LLC (Applicant) to renovate and rebuild the existing blue warehouse located at 400 High Avenue, Nyack, New York. After a preliminary and informal review of the project during a scoping session with all Land Use Boards on October 13, 2102, we recommended that a traffic study be undertaken to consider the ramifications of the proposed re development for this property and to improve the circulation, traffic patterns and flow of the proposed Hotel. The Applicant has retained Joseph P. Modafferi, Jr., RLA, Senior Project Manager, John Meyer Consulting, Inc.*

*The scope of the traffic study is a collaboration of the Applicant and the Planning board, both having agreed that the existing traffic patterns, traffic striping, circulation and queuing are significant concerns for this location. The Applicant has agreed pay for the cost of this study and to place \$5,000 in escrow for an independent traffic study by a consultant to be selected by the Village. Selection of the Consultant is expected to be made by competitive bid of at least two potential traffic engineers. The Planning Board would expect the Traffic Consultant to render a written opinion and to appear at the various open meetings where this application is addressed present their findings, address questions and thereafter to consider the revisions proposed by the Applicant.*

*The Planning Board has requested that the Applicant submit plans for review by the Traffic Consultant and for the Traffic Consultant to consider, review and render an opinion. We would like the consultant to consider and recommend various proposals, including reconfiguration or relocation of the building, parking lots, circulation patterns, pedestrian walkways, including the following specific issues identified:*

*A. Consultant to review the plans to determine the peak hours of traffic volumes. Using standardized traffic engineering methodology, and check that the Applicant has identified the trip generation rate of the proposed development and superimpose site generated traffic volumes over the future background traffic volumes. Work with the Applicant to study specific counts at a similarly situated hotel/conference center within the tri-state area.*

*B. Consultant to consider the applicant's intersection capacity analyses based on existing conditions, as well as future conditions with and without the proposed development to identify the relative impact, if any. Comment upon the findings of the Applicant and summarize any important changes with tables and illustrative figures.*

*C. Review, consider, comment and work with the PB and Applicant's consultants on the approaches, striping, parking on all potentially impacted intersections (particularly High and Polemus) consider and outline any dangers danger or present any potential risks to pedestrians and traffic passing on the sidewalk and street or on or about the premises?*

*D. Consider, review and comment on other ways to alleviate any potential conflicts between cars exiting the site toward Route 59 and NYS Thruway, and is there a way to configure this location to encourage the best possible traffic patterns for the location.*

*In summary, we request that the Traffic Consultant consider the unique nature of this location, compare it to the plans and recommend sound traffic planning considerations as proposed by the Applicant, providing comparative sites and provide analysis of solutions to this traffic configuration.*

**Public**-- interspersed above.

**BOARD**-- interspersed above.

SEQRA-- this is an unlisted action-- applicant has prepared a long form EAF-- Planning board adopts the foregoing resolution to publish its intent to be lead agency for SEQRA review.

**2. 220 Main Street. Barry Terach for Joseph Lagana's Glenmare. Continuation of site plan application for demolition of existing building and construction of mixed use building, and recommendation to ZBA.**

*Building Inspector-- Main Street portion of property is in DMU Zoning District, parking lot is in TFR Zoning District.*

*a. Permitted density is 30 du/acre, resulting in 27 dwelling units permitted for this property. Applicant is seeking a total of 34 du's-(16 existing, plus 18 proposed). An area variance is required from Article IV VON§360-4.3 Dimensional Standards Table 4-1 to permit 34 dwelling units where 27 dwelling units are permitted.*

The applicant has provided off street parking, has met the code with respect to office and retail and is seeking a minor variance to increase the density by 11% of this particular lot. The Planning Board has considered the positive benefits of a cohesively planned and executed development in this entire project, located outside the downtown area, which provides more than sufficient parking for its tenants. Chairman Klose moves to issue a positive recommendation to issue this limited variance of 4 units in 34 proposed- variance of 11.7 % from density law - sufficient parking on site is provided. Voletsky seconded motion and carried by a vote of 3-0. [Englander has recused].

*b. Applicant has appeared before the Village Board regarding Affordable Housing, To date no indication of an official Board resolution regarding the matter has been offered.*

*c. The parking lot bordering Catherine Street is a preexisting nonconforming use in the TFR Zoning District which, per VON§360-1.9D may be continued. Provisions of VON§360-4.5 PARKING and LOADING must be complied with, however.*

Applicant has redrawn the plantings, addressed the stormwater issues even though the law has not yet been adopted, and added permeable pavers to the exterior parking spaces.

*d. Site drainage has been addressed with the addition of proposed permeable pavers in parking lot spaces,*

Applicant has suggested the stormwater renovations to the landscape plan dated 1-23-13- revision date -- landscape /site plan date-- 1-14-13.

*e. Angled front entrance met with ARB approval, easily complies with accessibility requirements and is pre-existing nonconforming. Parking at sloped drive (north) to Catherine Street does not meet with Fire Chief's satisfaction. He wants complete access up and down drive.*

attorney for the applicant-- did not want additional traffic onto Catherine street -- fire company and applicant discussed the issue of bringing the trucks down Catherine -- 20 foot turning radius. Applicant is willing to handle the Pond Road access to Catherine Street in any manner the board suggests, Board Members were against adding another access point to Main Street for unfettered traffic and prefers to close the existing gate to the location from Catherine Street.

*Turning radii not yet supplied by fire department so the issue of truck entrance from Catherine Street remains open. For clarification, Section F501.3 of the Fire Code of New York State requires review and approval of fire apparatus access, hydraulic calculations and fire hydrant systems.*

*Adler Consulting responded to the scope of the work proposed. based upon old plans, Adler recommended and applicant agreed to keep a 20 foot wide access road through Pond Road. Applicant will reduce the size of the building to permit the 20 foot wide access point. Planning Board reviewed letter from Adler February 4, 2013-*

**Prior Findings--**

Applicant will give access to Mill Road - easement with indemnification to maintain the storm system by NOTE. This will be updated by the Applicant and the Village Attorney.

Planning Board--Fire Code requires that there be a minimum of 20 feet -- 2 feet planting bed-- and 3.5 minimal side walks with minimal mountable curbs. The Applicant is going to meet with the Fire Inspector and the Parking Consultant.

Planning Board--Applicant will maintain the twenty feet and put in the raised sidewalk

Planning Board--*Utility plan to be supplied and updated*

Planning Board--Applicant not disturbing this and will report back -- Applicant will be responsible for all sidewalks along the property-- report back as to the condition of the adjoining sidewalks and will upgrade as appropriate.

Planning Board--Applicant Agrees to install-- pervious service wherever possible. Planning Board would like to see the benefit of as many Stormwater practices as possible. Particularly the pervious pavement in the parking lot.

Proposal received conditional ARB approval at December 19, 2012 meeting.

Planning Board is prepared to issue a negative declaration and find that there are no significant environmental impacts that have not been mitigated by careful review of the traffic, runoff, and other environmental concerns. ( Second by Voletsky- Vote 3-0).

Klose moves to adopt the site plan date 1-23-13 consisting of five pages and permitting the parking configuration for a total project of 34 units which shall include the required credits for affordable housing-- subject to reasonable conditions imposed by the ZBA, and that all exterior lighting be down facing. For the record and for Fire Department, the Planning Board prefers that there be no permanent access to Catherine Street, and that the gate should remain in place, and if the fire department objects that the applicant will leave a Lock box and post no parking at the other side of the Catherine Street entrance.

The Applicant has prepared and has submitted a short form EAF for the Planning Board's SEQRA review. The project is an unlisted action. At this meeting, the Planning Board should declare itself to be the lead agency for SEQRA review and declare the action to be an unlisted action under SEQRA.

**Public--** None

## **BOARD**

### **Other Business:**

A motion was made by Chairman Klose, seconded by Member Voletsky, to accept the January 7, 2013 minutes. Passed 4-0. The meeting was adjourned at 10:10 PM.