

Members Present:

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

Also Present:

Walter Sevastian
Don Yacopino, Building Inspector
Bob Galvin—Village Planner

Absent:

Other Business: Motion to approve the February 17, 2015 Minutes-- second by Jean Gilles-- Vote 5-0 approved.
Alan Englander-- recuses from the Lagana application

1. 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. 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, I 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

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this address based on a June 30, 2008 variance permitting the parking of two commercial vehicles greater than ½ ton in a residential district.

SEQRA – Type II action – not subject to SEQRA NYSDEC 617.5 (c) (7) – see below “construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities.”

LWRP Consistency – As a Type II action, this is considered to be automatically consistent with the policies of the LWRP per the Village Code.

ARB did not approve this submittal and suggested applicant re-design storage containers.

Applicant-- Eric Caoli-- looking to clear a citation-- suggests that he is a benefit to the community-- wants to install green shading along the church. Applicant was generally unpersuasive as to why his two containers should be granted area variances. He argues that he is a good neighbor but needs the storage, offered no suggestions.

Public Comment -- none

Board-- Chairman Klose and Member Keene explained that the fact that the neighborhood had an industrial feel and that he blended into that feel had nothing to do with the fact that this was a TFR zone and that the industrial uses are violation of the zoning law did not bode well for that zone or the future development of the area.

Board Actions and Resolutions:

With respect to SEQRA-- The proposed action is exempt from consideration under SEQRA since it is a Type II Action (above).

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

Variances-- RESOLUTION By motion of Chairman Klose and seconded by Keen to Issue a negative recommendation to ZBA on the ground that the industrial use of this property is not appropriate, it was not approved by the ARB, and there appears to be no real way to improve the situation, even with screening. The variances 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, and the board felt they should be denied under the application as it exists, and the applicant was adamant about not changing the application. Vote: 5 – 0 in favor.

Site Plan-- REMAINS OPEN SUBJECT TO THE REVIEW BY THE ARB AND THE ZBA.

2. **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" floor area space for commercial purposes. Rather, the proposal is to seek a variance for an increase in density to enable that floor 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.

DENSITY

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

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 21[3] 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 r-o-w. There is an inclination by the developer that this property would be deeded to the Village.

As a reminder, Article IV VON§ 360-4.5B(3) states:

Change of use. When the use of a lot or building changes, additional off-street parking facilities must be provided when the number of parking or loading spaces required for the new use exceeds the number of spaces required for the use that most recently occupied the building, based on the minimum parking standards of this Zoning Chapter. In other words, the owner must provide (or receive a variance for) parking equal to the difference between the parking requirement for the existing use and the parking requirement for the new use, not the difference between the actual existing parking and the parking requirement. There are currently three structures on the property consisting of a 1 story auto repair building @ approximately 2,400 sq. ft., a 2 story warehouse structure @ approximately 7,800 sq. ft. and a 1 story manufacturing facility @ approximately 33,760 sq. ft. These uses are not permitted in the current RMU zoning district but the warehouse and manufacturing buildings were when this was a Manufacturing district. The parking requirements would have been 8 spaces for the warehouse, 34 spaces for the manufacturing facility and 7 spaces for the repair garage equaling 49 required spaces. The current proposed required and supplied parking spaces total 213 parking spaces, minus 49 spaces for previous uses resulting in a requirement to provide 164+/- parking spaces. The applicant is providing the required 213 parking spaces.

GENERAL NOTES:

1. **360-3.2(4)(b)** Professional office or studio accessory to a residential building requirement
2. of 30% of first floor of principal building does not apply to multifamily building in RMU district.
3. **360-3.2B (8)** Individual retail sales or services shall not exceed 5000 sq. ft. in floor area.
4. 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**).
5. Traffic Study, Child Impact Study and hydrant flow test enclosed.
6. 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.
7. 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.
8. Revised plans indicate bike path moved to originally proposed location.
9. Applicant's response to South Nyack traffic concerns and Village traffic consultant's comments included.
10. Frederick P. Clark Associates, Inc. Traffic Report dated January 28, 2015 submitted.
11. January 5, letter and Email from South Nyack Planning Board--
12. Receipt Review and Comment by Attorneys for South Nyack responded to by Village of Nyack Attorney dated January 16th 2015, with responses by Pavion Developers to the concerns of the Village of South Nyack.
13. Response by Developer to the South Nyack Concerns about Critical Environmental Area which were

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formally consider and discussed during January Meeting;

14. *Harry Baker responses sent to County of Rockland Planning Department dated February 2, 2015-- considerations of application.*
15. *Responses by the Developer to the South Nyack comments, considerations dated February 6, 2015*
16. *Chairman Klose seeking a school response-- 23 children projected and 13 conservative estimate based on actual child generation at recent Nyack developments -- based upon the tax improvement-- fiscally responsible-- wants response from the Nyack School District.*
17. *Chairman Klose discussed the Student Financial impact study with the Superintendent of the Schools – Superintendent saw no significant impacts, thought that it would be absorbed given the fact that enrollments are generally trending downward.*
18. *The South Nyack reasonable requests would be addressed in any Resolution taken with respect to the project. Officials asked last month and were addressed specifically last month-- see prior minutes:*

Village Engineer report dated 3/2/2015

Drainage and Grading Review A detailed topographic survey of both the upstream and downstream reaches of the Nyack Creek has been provided as requested.

1. Our office has reviewed the sizing calculations for the new concrete culvert that traverses the site and concur that a 12'W x 5'H box culvert is acceptable. The calculations indicate there is minimal impact upon the tributary upstream and downstream of the project. The reconstruction of the culvert represents an on-site improvement.
 2. Upstream and off-site of the subject property within the Nyack Plaza Apartments property the existing culvert is undersized with a limited capacity. During certain storms the stormwater tops the banks of the open channel, bypasses the Nyack Creek culvert, flows through the Nyack Plaza parking lot, onto Hudson Avenue, across private property and re-enters the Nyack Creek downstream and east of the subject property. To mitigate this overland flow event, we recommend additional catch basins be placed on Hudson Avenue. A transition structure will be required to be constructed along the Hudson Avenue ROW to transition the existing culvert to the new culvert. This will provide an opportunity to design the transition structure with additional catch basins for the stormwater to re-enter the culvert before continuing east along Hudson Avenue.
 3. The downstream reach of the proposed culvert will transition to a recently repaired 8 feet x 8 feet culvert which is immediately off-site of and adjacent to the subject property. Details of the transition structure from the proposed 5 feet x 12 feet structure to the existing 8 feet x 8 feet shall be provided.
 4. The applicant has identified an erosion concern downstream of the existing off-site 8 feet x 8 feet culvert. Rip rap shall be installed at this location and on the banks of the open channel as needed.
 5. When the layout plan for the proposed development is finalized the storm drainage conveyance system throughout the parking areas should be shown. Roof leader downspout connections shall be indicated. The method in which the existing 30 inch culvert will be reconnected to the new on site system shall be shown. *We will continue our review of the Site Plan components of this project as the plans are further developed and re-submitted.*
19. Additional comment by Village Traffic Consultant updating prior Opinions and reviewing the Updated Traffic Report dated February 24, 2015, and submitted by the Applicant, for the proposed redevelopment of the subject property.

In reference to our letter dated January 28, 2015, we had comments related to the Traffic Study. Based on the ongoing discussions with your office, the Applicant's Traffic Consultant and a review of this Updated Traffic Report, we offer the following findings:

1. *2014 Existing Conditions* – The traffic counts were expanded to include pedestrian activity at each of the intersections in the designated Study Area. The pedestrian counts were increased by a factor 1.20 to account for seasonal conditions. For purposes of completing this traffic analysis the data provided in the Traffic Study is acceptable.
2. *Accident History* – The Applicant obtained accident data for the Study Area. It indicates a very low number of accidents occurred in this area. An increase in traffic

should not have a significant impact on accident levels.

3. *2016 No-Build Traffic Volumes* – The traffic data previously submitted in the Traffic Report and expanded by our office to account for other developments within the Village is an appropriate representation of a future traffic condition prior to adding traffic related to this proposed mixed-use development. The volumes used in the updated analysis, which now includes pedestrian activity, are appropriate for the purposes of completing this analysis.

4. *Site Traffic Generation* – During the review process we had several discussions with the Applicant's Traffic Consultant regarding site traffic generation estimates and credits applied to pedestrian activity. The Updated Traffic Study accounts for the adjusted site traffic volumes and credits recommended by our office.

5. *Capacity Analysis Results* – The capacity analyses have been updated for existing, no-build and build conditions to account for pedestrian activity, adjusted site traffic generation and build traffic volumes. Results of analysis indicate that the intersections included in the Study Area will continue to operate at very acceptable Levels of Services, which represent minimal delay during both the weekday morning and weekday afternoon peak hours. This development will not require any changes to traffic control in the Study Area.

6. *On-Street Parking* – It is our understanding the most current plan provided by the Applicant for on-street parking along South Franklin Street along the site frontage will be parallel parking spaces. Based on our review of traffic conditions along South Franklin Street and how this roadway functions as a connection between the New York State Thruway ramps, access through the Villages of South Nyack and Nyack and access to Main Street to the north, it is our opinion that angled parking spaces should not be provided in this one block section along the site frontage.

7. *Site Access/Pedestrian Access* – The final Site Plan should include a pedestrian connection between the main parking area and the parking lot located on Hudson Avenue.

Summary Findings--The following is a summary of our findings of both the first and second Traffic Reports, the Site Plan, our field observations, discussions with the Planning Board and the Applicant:

1. *Bus Transit* – The Applicant should have a discussion with the bus providers to determine the feasibility of either shifting or maintaining the existing bus stops located on Cedar Hill Avenue, between the site frontage and the signalized intersection of South Broadway. Applicant looked at - would consider the bus stop -- parking on one side -- would lose some of the on-street parking-- waiting to hear back--would consider it. Means changing the route, timing shelters, etc. Applicant wanted to address South Nyack consideration--

2. *South Franklin Street at Hudson Avenue* – This intersection should provide or maintain painted crosswalks on each approach to the ALL-WAY STOP sign controlled intersection.

3. *South Franklin Street at Cedar Hill Avenue* – Crosswalks should be provided or maintained on each approach to this ALL-WAY STOP sign controlled intersection. This may require the modification or repainting of STOP bars at this intersection.

4. *Cedar Hill Avenue at Site Driveway/Depot Place* – The ALL-WAY STOP sign control at this intersection should be maintained. A crosswalk should be installed across the northbound approach at this intersection as well as each approach to the intersection. This may require the modification or relocation of existing STOP bars.

The Applicant and the Village should consider that for all exiting movements from the site driveway motorists be directed to turn either right or left. This will discourage and potentially eliminate site traffic from traveling directly south into the Village of South Nyack. The Applicant should discuss with the Village of South Nyack installing NO THROUGH TRAFFIC signs on Depot Place. As part of any modifications to this intersection the Applicant and the Village of South Nyack should consider improving the curb radii in the southwest and southeast corners of the intersection to improve vehicular movability for emergency vehicles.

Based on our review of all of the materials submitted by the Applicant it is our opinion that the proposed mixed-use development will not have a significant impact on the overall operation of adjacent roadways near the subject property. Based on the findings provided by the Applicant and our review of all of the analyses traffic control should remain the same at each of the intersections included in the Study Area. It is recommended that pavement markings be provided and maintained and typically include STOP bars, crosswalks and double yellow centerlines.

Access to the subject property should be from the one proposed access drive on Cedar Hill Avenue. This driveway should provide two travel lanes, with ALL-WAY STOP control. Any modifications to crosswalks or traffic control signing, as well as parking regulations, should follow criteria set forth in the Manual of Traffic Control Devices (2009). *Village Traffic Consultant Report (Mike Galante, EVP)*

SEQRA – *Unlisted action – Planning Board is the Lead Agency for SEQRA review. Board will need to review Traffic Study and the FP Clark Traffic Review. Rockland County Planning has submitted its GML review. Applicant prepared a narrative addressing the adjacent Village of South Nyack CEA.*

LWRP – *Since the site is over 3 acres, the Village Board of Trustees is responsible for the determination of consistency with the policies of the LWRP. This would be done after the Planning Board completes its SEQRA review.*

Applicant Discussion-- *Mike Galante -- EVP, F P Clarke Associates (for the Village)-- Howard Baker (Applicant) --*

Public Comment -- *none.*

BOARD ACTION ON THE ENVIRONMENTAL REVIEW-

1. "Review" Part 1 of the EAF that the applicant prepared--
2. Answer the questions on Part 2 of the EAF-- the draft as proposed by the Village Planner appeared appropriate
3. Evaluate the magnitude of the impacts and make the Neg Dec as reflected on Part 3 of the EAF."Supplemental Part 3" and review of the supplemental and well drafted Part 3 appeared complete and extensive prepared where he summarizes the environmental impact issues.

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- a. Board had no real questions or comments regarding the information on the Project set forth by the Applicant on Part 1 of the EAF.

- b. Planner has completed Part 2 of the EAF, and Board had no questions or comments on the two impacts noted on the Part 2 questions - namely, the "Impact on Land" and "Impact on Transportation". Supplement to Part 3, where in narrative form where Planner elaborates on the "Impacts on Land" and the "Impacts on Transportation". Members highlighted the comments on these impacts, and prepared to issue a negative declaration, as follows:

NEGATIVE DECLARATION

RESOLUTION OF THE NYACK PLANNING BOARD TO DETERMINE THE ENVIRONMENTAL SIGNIFICANCE FOR THE PAVION APPLICATION (60 Cedar Hill Avenue, 66.45-1-36, 35, 34; 66.45-1-54)

WHEREAS, on January 5, 2015, the Village of Nyack Planning Board declared itself Lead Agency for the purpose of a review of the Environmental significance of a proposed redevelopment project known as the Pavion project (the "Project"); and

WHEREAS, the Project is an Unlisted action under SEQRA, utilizing several parcels of land totaling approximately 4 acres, with two new three (3) story residential buildings proposed to house 135 residential units, roughly 2,730 sf of retail/commercial space, and an 800 sf café (together with associated parking, a pool, and a clubhouse for residents); and

WHEREAS, the Planning Board is the only agency which can approve this proposed action, there is no coordinated review under SEQRA; and

WHEREAS, the Planning Board is desirous of making a determination of environmental significance based on the EAF and other documents in the record regarding the project; and

WHEREAS, the Planning, at its meeting of March 2, 2015, undertook to review and analyze the potential environmental impact of the Project by reviewing the information set forth in Part 1 of the Environmental Assessment Form, answering the questions on Part 2 of the EAF, and, as reflected on Part 3 of the EAF (together with a Supplement to Part 3), evaluating the magnitude and importance of the Project's impacts in making a Determination of Environmental Significance.

THEREFORE BE IT RESOLVED, the Village of Nyack Planning Board, based upon the analysis and findings made under the criteria set forth in NYCRR §617.7[c], the EAF filed relative to the Project under consideration, and upon the record pertaining to the Pavion Project (the full EAF parts 1, 2 and 3, the Coastal Assessment Form, and all documents referenced in the Appendix to the Supplement to Part 3 of the EAF as incorporated by reference into this Resolution), makes a determination that no significant environmental impact will result from the proposed action.

BE IT FURTHER RESOLVED, the Planning Board further determines that the Project is, to the maximum extent practicable, consistent with the Village of Nyack's LWRP and will not substantially hinder the achievement of any of the policies set forth in the LWRP, said finding being based upon the attached Coastal Assessment Form, the recommendation of consistency made by the Village Planner.

[Second by Voletsky and Vote 5-0 to issue the Negative Declaration]

THEREUPON, Chairman offered a second Resolution that the Planning Board issue Preliminary Approval of the Site Development Plan and Subdivision, subject to the Applicant:

1. Completing of their application before the ZBA;
2. Obtaining approval for the ARB;
3. Returning to the Planning Board and completing full submissions and approval of all Site Development elements, including but not limited to:
4. Completion of Landscaping plan;
5. Completion of Lighting plan;
6. Completion and approval of a required Stormwater Management Plans and Maintenance Agreements;
7. Completion of construction phasing plans to be reviewed by Planning Board and monitored by Building Department;
8. Study and completion of Traffic Mitigation recommendations reflected in Part 3 of the EAF. Compliance with recommendations of Galante traffic study review dated March 2, 2015, including but not limited to consultation with public transportation providers on [potential relocation of bus stops on Cedar Hill Avenue. Agreement to comply with Village of South Nyack's requirements on repaving for all road openings (if required);
9. Provision of appropriate performance bond for contemplated public improvements;
10. And other and further aspects of the Plan that may be identified by the Village Engineer, the Planner, or other professional land use consultants hired for that purpose.

[Seconded by Jean Gilles-- Vote passed 5-0].

Future issues for the Board-- Rockland County Planning Overrides re: the comments of County concerning (1)South Nyack's comments and concerns and (2) NYSDOT Jurisdiction (3) on and upon the advice of counsel specifically override that comment by a supermajority Vote.

SITE PLAN REMAINS OPEN PENDING THE TRAFFIC AND ZBA TO RULE -

3. 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**

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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 is reviewed further at March 2, 2015 meeting *The PUBLIC HEARING REMAINS OPEN.*

4. **297 High Avenue. NYLO. Application to remove 24 trees. Property is in RMU zoning district. Trees proposed to be removed in anticipation of Zoning Map change and Amended Site Plan approval.**

Applicant-- purchased new property immediately adjacent to the Hotel, needs to remove trees. John Frufa-- application to remove trees. All ivy covered scrub trees--

Public Comment - NONE.

Board-- Klose moves to close the public hearing for the tree removal permit *ONLY-- second by Englander- 5-0 approved.*

Board Actions and Resolutions:

With respect to SEQRA-- Type II action-- boards point of view find no review by Planning Board need and consistent with LWRP

Site Plan -- RESOLUTION by motion of Chairman Klose and [seconded by Voletsky] Plans to remove the trees is approved -the removal of the trees subject to reasonable restrictions proposed by Building Department; and applicant to plant reasonable appropriate vegetation in its place . **Vote: Passed in favor 5– 0.**

5. **297 High Avenue. NYLO. Site Plan application for demolition of existing building. Property is in RMU zoning district. Proposal has not yet appeared before ARB but information is included tonight along with applicant's other submissions.**

Applicant-- Hotel has purchased adjoining two family house and would like to remove it.

Public Comment - NONE.

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

Board Actions and Resolutions:

With respect to SEQRA-- Type II action-- boards point of view find no review by Planning Board need and consistent with LWRP

Site Plan -- RESOLUTION by motion of Chairman Klose and [seconded by Englander] to grant the demolition permit -subject to reasonable restrictions proposed by the ARB and the Building Department; as this will further the benefit of the project . **Vote: Passed in favor 5– 0.**

6. **297 High Avenue. NYLO. Application to amend Zoning Map to incorporate property in RMU zoning district at 297 High Avenue into adjacent M zoning district at 400 High Avenue. Application sent to relevant agencies per GML requirements. Referred to Planning Board by Village Board.**

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Applicant-- Village of Nyack Code 360-5.6(c) 2-- whether use is appropriate -- Only relevant code provision is whether the Use is appropriate in this location-- this is being developed in conformity with the hotel and is in keeping with the rest of the area-- seems from the planning perspective to be in conformity with what is being planned for the property and will be an overall improvement for the project and the immediate surrounding area.

Planner-- commented that it appears that it is an RMU surrounding by M-1 district and the spot zone doesn't really work-- enhances the features of the Hotel and the zone change makes sense by providing access to pedestrians, and in conformity with the land use around.

Public Comment - NONE.

Board-- Klose moves to close the public hearing for the zone change permit *ONLY--* second by Keene-- 5-0 approved.

Board Actions and Resolutions:

With respect to SEQRA-- Just a recommendation to the Village Board and has been referred out to Rockland County-- this is not within the purview of the Planning Board.

Site Plan -- RESOLUTION by motion of Chairman Klose and [seconded by Voletsky] *The Planning Board hereby recommends the zone change to the Village Board for the reasons enumerated above and upon the sage advice of the Village Planner to facilitate the development of this section of town.*

Vote: Passed in favor 5– 0.

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