

Village of Nyack Planning Board
October 2, 2017

Members Present:

Peter Klose - Chair
Daniel Jean-Gilles
Peter Voletsky
Seth Kestenbaum
Alan Englander
Don Wilen - Alternate sitting

Also Present:

Walter Sevastian - Village Attorney
Don Yacopino - Building Inspector
Bob Galvin—Village Planner

Absent:

Other Business: Motion to approve the September 11, 2017 Minutes-- made by Peter Klose and seconded by Voletsky. Approved by a Vote of 4-0. Jean Gilles not voting

1. **5 Orchard Street. Lovell. Request to remove White Pine tree. Arborist's letter included. Property is in SFR-1 zoning district.**

SEQRA Determination – *SEQRA – this is a Type II action under SEQRA NYS DEC 617.5 (c) (10) construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;" LWRP – As a Type II action, the Village Code considers this to be consistent with the policies of the Village's LWRP.*

Applicant— *Bonnie Christian-- sap on trees-- plan on planting replacement-- landscaping that is appropriate with the current landscaping.*

Public Comment - NONE

BOARD-- Motion by Peter Klose to close the public hearing. Seconded by member Jean Gilles - Motion to close the public hearing passed. Vote 5-0 to close.

BOARD -- Chairman Klose - makes a motion to accept and designate this as a Type II action based on: 617.5 (c)(10) and to approve Tree Removal Application dated 9-7-17, subject to the applicant planting appropriate foliage or other landscaping, second by Kestenbaum; Vote 5-0- application approved.

2. **59 South Broadway. Nyack Library. Tree removal. Arborists letter included. Property is in DMU-1 zoning district. Letter from neighbor permitting tree removal from their property required. Type II action – Board should confirm for the record at meeting.**

SEQRA Determination – *SEQRA – this is a Type II action under SEQRA NYS DEC 617.5 (c) (10) construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;" LWRP – As a Type II action, the Village Code considers this to be*

consistent with the policies of the Village's LWRP.

Applicant— *Dean Dykman - for home owner-- tree is causing havoc-- no mitigation because it is on another property- property is all grass and tree is growing right up against the building-*

Public Comment - NONE

BOARD-- Motion by Peter Klose to close the public hearing. Seconded by Member Kestenbaum - Motion to close the public hearing passed. Vote 5-0 to close.

BOARD -- Chairman Klose - makes a motion to accept and designate this as a Type II action based on: 617.5 (c)(10) and to approve Tree Removal Application dated 9-15-17 , second by Englander; Vote 5-0- application approved.

3. **49 Route 59. J.P. Morgan Chase Bank. Site Plan application construction of new bank building, subdivision and special permit for the merger of two lots. Property is in CC zoning district. Proposal for building construction complies with zoning requirements.**

BUILDING INSPECTOR *Property is in CC zoning district. Proposal for building construction complies with zoning requirements.*

ARB *is in general agreement with building design and layout. Application remains open for exterior design considerations and height of freestanding sign. There were concerns voiced about the width of the sidewalk at Route 59 and its close proximity to the highway, given the new bus shelter proposed for this area. A grass buffer or wider walkway was suggested but the ultimate decision may be in the purview of DOT. The proposal had been sent to concerned agencies per GML requirements.*

Revised site plans have been submitted which indicate the Waldron Avenue driveway is proposed to be shifted as far south as possible.

SEQRA - *this is a Type II action under SEQRA NYS DEC 617.5 (c) (7)"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," Therefore, no SEQRA review is required. LWRP – As a Type II action, the Village Code considers this to be consistent with the policies of the Village's LWRP.*

Village Engineer-

1. *The plans reflect the limits of full curb and sidewalk replacement along the property frontage on Route 59 and on Waldron Avenue. The sidewalks will transition to meet the existing sidewalks at the project limits.*

2. *The applicant will make every effort to coordinate the downstream stormwater connection at*

the existing catch basins on the adjacent property. As the applicant cannot compel the adjacent property owner to cooperate an alternate solution to construct a doghouse structure over the existing on site culvert will be performed.

3. *The applicant has provided a detailed Lighting Plan. They are seeking relief from providing lower levels of lighting as noted in the Village Code. The applicant has provided detailed information in support of their request for relief from the strict adherence to the Village lighting standards.*

4. *Construction details shall be provided for the catch basins - frame and grate numbers shall be provided. Curb pieces shall be "N" type to prevent trash from entering the stormwater conveyance system. Off- site concrete curb is noted as mountable. This shall be clarified with the NYSDOT as typically the requirement would reflect 8 inch curb face height to prevent automobiles from leaving the traveled way. Details for off- site concrete sidewalk and concrete aprons shall be shown; 5 inch thick or 6 inch thick respectively, both with 6 x 6 WW mesh, 4000 psi concrete.*

5. *The SWPPP shall be submitted in booklet form and contain all of the required forms. Post construction measures and maintenance shall be addressed. Upon completion of construction a copy of the As Built Site Drainage Plan shall also be included in the SWPPP. A mailbox shall be set up on site to provide a protective place for storage of and easy access to these documents.*

6. *A Stormwater Maintenance Agreement is required to be executed between the Owner and the Village and shall be part of the SWPPP. The Agreement requires the inspections to be performed each year by a Professional Engineer on behalf of the Owner and a report submitted to the Village building department each year. The report shall document the findings and certify any required maintenance work was satisfactorily completed.*

TRAFFIC--Findings *Mike Galante (FP Clark) has provided a Traffic review dated June 30, 2017 of applicant's Traffic Study conducted by John Meyer & Associates. The review indicates that following needs to be provided: accident data, hours of operation for the facility and if the drive up is 24 hrs. It also recommends left turn restrictions and signage, a mountable center median in the driveway, an Intersection Sight Distance (ISD) analysis, provide supplemental data using revised pass by credit rates. Overall, the review finds that the development will not have any significant impacts to this intersection, which will require mitigation, such as a modification to the traffic signal timing plan or other physical improvements.*

Mike Galante (FP Clark) has reviewed the final plans to confirm that they include all of the signage recommendations as well as the other recommendations. His final traffic review was dated 9/27/17 and provided to the Board. This review was incorporated into the draft resolution provided to the Board for consideration at its 10/2/17 meeting.

Per Board's request, the draft resolution was developed by the Village Planner and provided to the Planning Board for consideration at the 10/2/17 meeting.

Applicant— Jennifer Porter--zba granted variance- ready for resolution.

Public Comment - none

BOARD-- Motion by Klose to close the public hearing as to the recommendation concerning the site plan . Seconded by Kestenbaum . Motion to close the public hearing passed. Vote 5-0 to close.

Klose moves to approve a Resolution, contained by a separate document, but incorporated by reference herein wherein it will be resolved that that the Site Plan application and subdivision application submitted by JPMorgan Chase Bank, N.A. to construct a 3,470 sf bank building with two remote ATM drive thru lanes, 46 parking spaces and related site improvements at the premises known as 49-51 NYS Route 59, Nyack, NY as reflected on the set of approved plans and listed above including the site plan dated June 1, 2017 and last revised September 22, 2017 and the subdivision plat dated May 31, 2017 is hereby granted. Furthermore, the Planning Board approves a special permit for the merger of two lots as reflected in the subdivision plat, subject to the following conditions set forth in the separate document; and BE IT FURTHER RESOLVED that the recommendations of the Rockland County Planning Department set forth in the General Municipal Law Review letter dated July 10, 2017 have been accepted. All other recommendations have been included on the site plans or have otherwise been provided by the Applicant as part of the Application.

The Village Planner for Nyack has been in contact with Jose Simoes, Principal Planner, for the Town of Clarkstown. We have discussed the zoning review being conducted by Clarkstown in the adjacent Route 59 area and the Village of Nyack Comprehensive Plan recommendations for the CC zone along Route 59 in the Village. The Village has no immediate plans to undertake the zoning study and implementation of these recommendations and will work cooperatively with the Town on future zoning implementation. --made by Klose seconded by Voletsky -- Passed by Vote 5-0.

4. **160 North Midland Avenue. Nyack Hospital. Site Plan application to replace Oxygen Cylinders at Route 9W to accommodate additional usage for proposed new hyperbaric chambers. Property is in H (Hospital) zoning district. Proposal complies with zoning requirements. Application sent to NYSDOT and RC Planning pursuant to GML requirements Property is in H (Hospital) zoning district. Proposal complies with zoning requirements.**

Positive comments received from NYSDOT. Rockland County Planning. Planning Board confirmed that the action is a Type II action at its 9/11/17 meeting.

Applicant no comments from DOT-- county comments-- manageable, applicant will submit

approvals received from the NYS Board of Health.

Public Comment - none

BOARD-- Motion by Klose to close the public hearing as to the recommendation concerning the site plan. Seconded by Voletsky . Motion to close the public hearing passed. Vote 5-0 to close.

Klose moves to accept and designate this as a Type II action based on: 617.5 (c) (10), and APPROVE the Site Plan Application as dated with final plans dated October 2, 2017 and related documents, subject to the applicant obtaining all state, county and local permits as necessary. Seconded by Englander; Vote -- 5-0 application approved.

5. **Ackerman Place. Yacht Club. Re-construct accessory structure damaged by Superstorm Sandy. Property is in WF zoning district. Proposal complies with zoning requirements. Application has been sent for review under GML requirements.**

*Village Planning Department SEQRA Determination and LWRP Consistency – Hook Mountain Boat Club **Project Description** The application submitted by the Hook Mountain Boat Club at 1 Ackerman Place is for the construction of a storage building to replace one destroyed during super-storm Sandy. The new structure is 32’x18’ with an open porch 7’ x 32’ on the North. The total size of the proposed new structure is 484 sf with a 224 sf open deck facing north. The building location is in the same approximate location as the one destroyed in the center of the main pier and has been relocated to meet Village of Nyack setback requirements for accessory structures in the WF (Waterfront) district . **SEQRA Determination** I have reviewed the SEQRA determination for the proposed action by the Hook Mountain Boat Club as described in their application including the short form EAF (revised 3/8/17), the Village of Nyack Coastal Assessment Form (3/8/17), the revised site plan (A-1, Kier Levesque, R.A. Architect, rev. 3/6/17), the elevation certificate (3/1/17) and the enlarged area of the site plan (rev. 3/6/17.*

SEQRA – *Type II action based on 617.5 c (2) “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part” and 617.5 c (7) ““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 –** *As a Type II action, the Village Code considers this to be consistent with the policies of the Village’s LWRP.*

It should be noted that the Applicant has included in his submitted Coastal Assessment Form that the new structure will not cast a shadow into the Hudson River because of its

position on the deck. Additionally, the club will place large rocks and fish balls under the deck to maintain the fish habitat.

Applicant -- complies with zoning and permitting requests approval.

Public Comment - none

BOARD-- Motion by Klose to close the public hearing as to the recommendation concerning the site plan. Seconded by Voletsky . Motion to close the public hearing passed. Vote 5-0 to close.

Subject to the applicant complying with the DEC and ACOE permitting, and the Village Engineer comments (if any), Klose moves to accept and designate this as a Type II action based on: 617.5 (c) (10), and approve the Site Plan Application as with final plans dated 3-6-19 (three pages to the Plan) Seconded by Voletsky; Vote-- 5-0 application approved.

6. 6 Second Avenue. Kier Levesque for Dave Sirois. Site Plan application to construct retaining wall in Gedney Street front yard and create two front yard parking spaces and request for referral to ZBA for required variance. Property is in TFR zoning district.

An area variance will be required from Article IV, VON Code Section 360-4.5E to permit more than car to be parked in front yard. The additional front yard parking is proposed to encompass a portion of Village right-of-way, for which Village Board approval will be required. Application has been sent for review under GML requirements.

SEQRA – Type II action based on 617.5 c (2) (10) “construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density; **LWRP – As a Type II action, the Village Code considers this to be consistent with the policies of the Village’s LWRP.**

ZBA – area variances and the parking would be a Type II action that would be the responsibility of the ZBA.

Applicant -- Keir Levesque, Architect for owner -- encroaches into the village right of way-- many people use the right of way-- village will need to grant permission for applicant to use the Village right of way- encroaches on the right of way -- no sidewalk-- no existing sidewalks in any of these locations-- applicant will be forced to re-locate parking on-site. Many people in the village use right of way, seems like the the sidewalk in this part of the neighborhood would be improved in the future on eastern side of Gedney

Eve Mancuso-- permeable pavement needs to be delineated so that the Village does not interfere with the pavement upon road maintenance, applicant to stay on one side of curb.

Public Comment - none -- improvements to Second Avenue in the future-- possibility of sidewalk-- would the sidewalk be to and from Second Avenue.

BOARD-- Motion by Klose to close the public hearing as to the recommendation concerning the use of the right of way for purposes of parking. Seconded by Englander . Motion to close the public hearing passed. Vote 5-0 to close.

Subject to the approval of the ZBA and the Village Board for use and construction of a driveway with partial use of the Village right of way, and understanding that any improvements are subject to the removal of such improvements upon need or public widening and improvement of the street, the Planning Board accepts and designates this as a Type II action based on: 617.5 (c) (10), and conditionally approves the Site Plan Application subject to conditions to be imposed by the VB and the ZBA, including but not limited to applicant installing permeable pavers as to the plans 8-29-17, Seconded by Voletsky; Vote 5-0, application approved.

With respect to the recommendation to the ZBA, the Planning Board makes a positive recommendation in accordance with the foregoing restrictions and reservations, the resolution in accord with the site plan approval above-- second jean gilles - 5-0.

- 7. 249-259 Main Street. Bob Silarski for Jed Realty.** Site Plan application to demolish existing buildings and construct a multifamily building, subdivision and special permit for the merger of two lots. Request for recommendation to ZBA for required area variances. **Property is in DMU-2 zoning district.**

ZBA Area variances will be required from Article IV, VON§360-5.4G(3) for a driveway providing "access to a lot in another district, which lot is used for any use prohibited in the district in which such driveway is located", and from Article IV, VON§360-4.3, Dimensional Standards Table 4-1 for a four story building where 3 stories are permitted.

Application has been sent for review under GML requirements.

SEQRA – Unlisted action. Board should state that this is an unlisted action and authorize staff to circulate the Notice of Intent to be Lead Agency to involved agencies. Board will need to wait 30 days and if no objections received would assume lead agency for the project's SEQRA review. **LWRP – the Planning Board as lead agency would be responsible for a consistency determination with the policies of the LWRP.**

Planning Board should also establish an escrow account to include traffic review by F. P.

Clark Associates (Mike Galante) and engineering and landscaping.

Planning Board would like to establish an escrow account for the purposes of hiring an outside planner to opine as to the planning and zoning issues related to the requested variances --and in particular, the impact on the neighborhood and intersection caused by this proposed project.

Village Planning Recommendation – *Board should require applicant to provide renderings of the building from at least Depew Avenue and a significant landscaping plan both on Main Street and at the rear for Depew.*

Applicant Silarsky architect for owners-- the affordability vs. sustainability credits-- total units 26 to include three (3) affordable units based on Chapter 120.

Public Comment - Peggy & Joseph Brady-Amoon We are writing to express our strong opposition to the current proposal for the development of Diana Place at 249-259 Main Street and urge you to recommend against the proposed design and variances. It is our considered opinion that the proposed development would have a negative effect on vehicular and pedestrian safety as well as the character, appearance, and property values of adjoining residential neighborhoods.

We urge you and related boards to reject the requests for an additional story, increased density, and the proposal to build a new two-way driveway/road that would intersect with Depew Avenue in the residential neighborhood between Crosby and Anna Streets.

In addition to the considering what the proposed complex would look like from Main Street, which we see as too boxy and industrial for the neighborhood, we urge you to consider the Depew Avenue neighborhood perspective. We are particularly concerned about the negative effects of a 4 story building towering over the residential neighborhood that backs up to Main Street, including some neighbors' backyards, and the removal of the currently existing greenery and beautiful specimen tree to pave the proposed two-way driveway/road onto Depew Ave. We also note the potential conflict(s) of interest(s) as the proposed easement is on property recently purchased by Marcy Denker, the Village's Sustainability Coordinator.

We also ask you to consider the potential impact of adding another intersection/road for this complex to an already overburdened section of Depew Ave from both design and safety perspectives. This section of Depew Ave functions as funnel for much Nyack and South Nyack traffic and is designated in the Village's Comprehensive Plan as an arterial road. If this proposed development is not modified, the additional traffic would also have a negative impact on the often congested and dangerous intersection of Depew Ave and Route 9W. Furthermore, a new driveway/road at this juncture would

negatively impact the significant number of pedestrians, including middle school children, who walk this route on a regular basis. We are also concerned about the impact that a 26-unit building with minimal on-site parking would have on on-street parking in the neighborhood. Overall, we are concerned that the proposed two-way driveway/road on Depew Avenue would have a negative impact on safety, quality of life, and neighborhood home values in our diverse well-established neighborhood.

It is our considered opinion that any building sited on Main Street alone should include a plan for access to and from Main Street, which would be consistent with the neighborhood of Upper Main Street and would alleviate some of the safety concerns raised above. More specifically, since the proposed development would replace two houses each with its own driveway on Main Street, we strongly recommend rejecting the proposed variances, recommend staying with 3 stories, and making Main Street the only access into or out of the development. If it would be helpful, traffic in and out of the new driveway on Main Street could be restricted to right hand turns only, perhaps with appropriate curb cuts, to facilitate travel for all involved on this important collector street.

Overall, we urge you to recommend against the proposed variance from 3 to 4 stories and the driveway/road on Depew Avenue. Please include this in the official record. Thank you for your consideration and action.

Francesco Fiondella- -sense or perception-- that Depew is a back alley of Main Street-- very little regard to what it looks like from depew-- does not want the rump of the building-

Abigail Steaver --203 Depew -- the new building is unsightly-- new building-- congregate in the driveways-- detracts from the integrity of the neighborhood, noise from delivery trucks, etc.

201 Depew-- direct Greg Detalvos-- not an expert -- residential driveway? traffic on depew-- impact -- during the construction of the other development-- getting them to follow the rules-- shares the same concerns.

Peggy Brady-- shares same feeling -- 40 feet in that neighborhood-- bordering the neighborhood-- parking, traffic, developers-- try to make it --

Marcy Denker-- landscape plan-- hedge and the other foliage would be there--

BOARD-- The board is going to study-- finish the SEQRA-- before referring to the ZBA for consideration of the variances.

8. 25 Route 59. Dominick Pilla for Dunkin Donuts. Site Plan application to redirect interior

property traffic flow. Property is in CC zoning district. Proposal complies with zoning requirements.

Building Inspector Application sent out for review under GML requirements. Mike Galante has received the plan and has been requested by the Building Inspector to review the site's interior circulation including the parking area and driveways. Building Inspector will arrange a follow up meeting between the applicant and Mike Galante, the Village's traffic consultant.

SEQRA – Type II action based on 617.5 (c) (7) "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** – As a Type II action, the Village Code considers this to be consistent with the policies of the Village's LWRP.

Applicant -- Indairo Namnun-- engineer--for Owner - There is a significant issue with Route 59 with the cars backing up into the street, the traffic engineer and the applicant will work to mitigate this situation, but a possible suggestion is a two line ordering area to keep cars moving and shorten the queuing.

Public Comment - none

BOARD-- No action, awaiting further reports.

8A. **82 North Broadway. Hopper House. Site Plan application to construct garden walls, patios and walkways. Property is in OMU zoning district. No drainage information has been submitted. Proposal complies with zoning regulations.**

SEQRA - *this is a commercial property; as such this is a Type II action under SEQRA NYS DEC 617.5 (c) (7)"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," Therefore, no SEQRA review is required.* **LWRP** – As a Type II action, the Village Code considers this to be consistent with the policies of the Village's LWRP.

Village Engineer Report-(Eve M. Mancuso, P.E., Associate)- Landscape Architect Plans entitled "Hopper House Art Center", prepared by G. Bilobe Gardens, dated April 2017, 1 sheet. 2.Report entitled "Hydraulic Analysis and Stormwater Management Design for Hopper House Landscape Renovation", prepared by Dennis Letson, P.E., undated. The site is fully developed with the existing Arts Center structure and gardens. The proposal is to renovate and enhance the gardens. I offer the following comments:

1. The stormwater management report is acceptable.

2. A grading plan and erosion control plan shall be submitted.
3. The location of the proposed Cultec stormwater management system shall be shown on the plans.
4. Permeability or percolation tests are to be performed in the exact location where the Cultec units are proposed to confirm the viability of an infiltration system on this property.
5. A Stormwater Maintenance Agreement is required to be executed between the Owner and the Village.

The Agreement requires inspections to be performed each year by a Professional Engineer on behalf of the Owner and a report submitted to the Village building department each year. The report shall document the findings and certify any required maintenance work was satisfactorily completed.

6. Erosion control measures shall be shown on the plan and are to be installed prior to any land disturbance activity taking place.

Public Comment - none

BOARD-- and Building Department awaiting further input and maps of the location of the drainage.

9. **55 Gedney Street. TZ Vista. Site Plan application to construct a multi-story, multi-family development, Subdivision and special permit for merger of two adjacent lots and Special Permit from Village Board. Property is in Waterfront (WF) zoning district.**

***Building Inspector--** 55 GEDNEY STREET. TZ VISTA. Continuation of Site Plan application to construct a multi-story, multi-family development with three residential buildings, Subdivision and Special Permit for merger of two adjacent lots and Special Permit from Village Board to allow increased FAR and height. Property is in Waterfront (WF) zoning district.*

The Architectural Review Board approved the application on September 19, 2017.

The Village Board granted Special Permit approval on September 14, 2017 with a resolution to be formalized at its meeting on 9/28/17.

Various site plan issues were reviewed such as project landscaping, lighting and garage traffic circulation.

Rooftop structures such as parapet walls, HVAC equipment and stairwell bulkhead meet the height exception requirements of VON Code sections 360-2.5B(2)(c)[1] and 360-

4.2C(2). (Page A-208)

Proposed lighting levels comply with requirements of 360-4.10C-Maximum Light Levels, Table 4-3. (See DCAK cover letter of September 25, 2017). (Page C-107).

Architect will provide documentation indicating status of Brownfield cleanup and hazard mitigation.

Traffic consultant has provided final review and comments in a memorandum dated 9/27/17 will offer comments on traffic flow, including interior garage circulation. This has been provided to the Board as well as the Applicant.

Village Engineer has commented on SWPPP and Stormwater Maintenance Agreement.

Comments on landscape plan submitted. (Pages LS-100, LS-101, L-100, L-110). *Waterfront*
The proposed planting along the rip-rap includes blueberries, which grow in more upland settings and may perform poorly in that environment because they require acid soil and may react to the salt spray. Viburnum dentatum and the cornus are also not naturally found in this type of setting. For shoreline planting along the Hudson, Scenic Hudson recommends using native plants that are growing well in the vicinity. The two most common native shrubs along the shore in our area are false indigo (amorpha fruticosa) and staghorn sumac (rhus typhina) farther upland. Both would combine well with the grasses shown on the plan. Northern bayberry (Morella Pennsylvanica) is another shrub that would perform well in that location.

Recommendation: *Replace deciduous shrubs on the plan with others including amorpha fruticosa, rhus typhina, and Morella Pennsylvanica. Also check with DEC's Sustainable Shoreline project about whether any selections for this part of the plan would be expected to thrive and what alternatives if any should be considered. Contact: Heather Gierloff, Biologist, Bureau of Marine Habitat, DEC (845) 256-3086 | heather.gierloff@dec.ny.gov*

- 1. Nine white oaks (Quercus bicolor) are shown for the streetscape on Gedney and Main Streets.** *Native oaks are highly valued for their large shade canopies and their benefits for wildlife, but monoculture plantings can be a problem if a disease or insect pest attacks a certain species. It is possible to create a uniform effect while also providing more species diversity by selecting two or more species with a similar growth habit. On the plan, nine swamp white oaks are shown and two would be planted where there there would be restricted rooting area and proximity to sidewalk that may raise soil pH and reduce both tree health and the uniform look along the street.*

Recommendations: **Add diversity to the plan by replacing the three oak trees nearest to the corner of Main Street and Gedney Street, keeping in mind the limited root zone area in the two locations on Gedney. For the tree at Main Street entrance to the public waterfront, consider Black gum (Nyssa sylvatica). Also consider using structural soil in the two more constricted locations.**

- 2. The tree selection includes non-native species. The Village of Nyack recommends emphasizing native plants. Recommendation:** **Use alternatives to Kwanzan cherry and Cornelian cherry such as "Canada Red Select" chokecherry (Prunus virginiana) and various serviceberries (Amelanchiers) or other small native flowering trees. Use alternatives to the Honey locusts such**

as ironwood (*Carpinus caroliniana*) and *Ostrya virginiana* (American hophornbeam).

Grasses Some fountain grass (*Pennisetum alopecuroides*) cultivars have shown a tendency to become invasive.

I have found this with the variety Moudry, and I believe Matt Ceplo, who manages the grounds at the Rockland Country Club has found others among the common varieties to be invasive also.

Recommendation: Use the native Prairie dropseed (*sporobolus heterolepis*) instead of *Pennisetum*.

Village Planner provided a draft resolution for the Board's consideration. This incorporated VB conditions as part of their special permit as well as other specific site plan conditions.

APPLICANT-- Ira Emanuel and the architects presented the next iteration. Plans and status were discussed at length as to the procedural posture of the application.

Public— NONE

Klose - Moves to close the public hearing. Seconded by Voletsky and passed 5-0.

BOARD After 27 months of study, including a two full environmental reviews of the environmental impacts of a text amendment and now this Site Plan and Project, Chairman Klose moves to approve a Resolution, contained by a separate document, but incorporated by reference herein, wherein it will be resolved that that the Site Plan application and subdivision application submitted by the Applicant is fully approved subject to the conditions outlined in the said separate resolution. The Resolution was proposed by Klose, seconded by Voletsky and approved by a 5-0 vote.

OTHER BUSINESS-- Motion to adjourn by Klose, seconded by member Englander - passed by a vote of 5-0. Meeting adjourned at 9:30 PM