

Members Present:

Peter Klose (Chairman)
Daniel Jean-Gilles
Alan Englander
Peter Voletsky
Seth Kestenbaum-Alternate Member
Donald Wilen-Alternate

Also Present:

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

Absent: Glen E. Keene

Other Business: Motion to approve the June 2015 Minutes-- second by Jean Gilles-- Vote 5-0 approved.

1. 2-6 North Midland Avenue. Barry Terach for Joseph Lagana. Continuation of Site Plan application to demolish existing structure, construct a three story multifamily dwelling and request for a recommendation to Zoning Board of Appeals for two area variances. Property is in DMU zoning district. Architectural Review Board offered a positive recommendation for demolition at 12/17/2014 meeting.

**NO NEW INFORMATION SUBMITTED
TRAFFIC STUDY NOT COMPLETED**

Applicant-- did not appear

Public Comment - none

Board-- application continued

2. 263 Main Street. Continuation of Site Plan application for demolition of existing building and construction of three story multi-family dwelling.

Building Inspector-- Proposal is to demolish single story structure and construct a three story multifamily apartment building with parking below ground. Property is in both the DMU (Main Street) and TFR (Depew Avenue) zoning districts, with the rear of the building encroaching into the TFR 25'+/-. An area variance will be required from Article II VON 360-2.2C which states: "Lots in two or more districts. Where a single lot is divided by one or more district boundary lines, the regulations for the less restrictive portion of such lots shall not extend into the more restricted portion of the lot."

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

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

PARKING

Per Article IV VON§360-4.5B (3), the current use of a 5,040 sf retail space requires 13 parking spaces (5,040/400 =13). With a change of use the zoning code requires off street parking to

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be met by calculating the difference of parking requirements between previous and new use. In this case, proposed use requires 43 spaces with 41 being provided. Previous retail use required 13 spaces (43-13=30) required spaces with 41 provided. Parking requirements are deemed to be met.

Applicant returns with design changes as discussed at recent workshop meeting with ARB. ARB approved application on March 18, 2015 with conditions agreed to by applicant. They offered a recommendation to Planning Board regarding front yard plantings but declined comment on required variances.

Variances granted by ZBA on April 27, 2015. Revised site plan included. Lighting and planting plans included. Hydraulic Analysis and Storm Water Design Calculations included.

Village Engineer--in receipt of a Site Plan submission with regard to the above captioned project consisting of the following: Engineering plans entitled "Site Plan, Proposed Affordable Housing, RHAC" prepared by Bart M. Rodi, P.E., last dated 6/16/15, sheets SP-1, SP-2.

Site Plan

- 1. The plan is indicating four (4) seepage pits in the rear parking area to accommodate the increase in impervious area. The roof leader connections should be clearly shown.*
- 2. If the seepage pits are also intended to accommodate surface run-off from the parking area, catch basins should also be shown to tie into the system.*
- 3. The seepage pit detail should be amended to interconnect the seepage pits with high/low 6 inch diameter pipes to distribute the infiltration to all of the seepage pits. The stone surrounding the pits shall be 2 ½ inch clean stone. The seepage pits shall be heavy duty as they will be subject to vehicle loads. An overflow from the system shall be shown.*
- 4. Soil testing will be required prior to installation of the seepage pits to verify the suitability of the soil to accommodate this infiltration system.*
- 5. The driveway apron from Depew Avenue should be graded to prevent stormwater from Depew Avenue from flowing onto the site.*
- 6. The parking area should be graded to prevent the stormwater run-off from flowing towards the face of the structure. There appears to be a low point which will potentially pond water in the area of the playground. The grading should be re-evaluated.*
- 7. All utilities servicing the structure shall be shown.*
- 8. All dimensions; aisle width, drive width, parking stalls, sidewalk width shall be clearly shown.*
- 9. Pavement markings and directional signage shall be shown.*
- 10. The location of the trash dumpster with a concrete pad and screened enclosure shall be shown. A detail shall be provided.*
- 11. The playground should be shown in the specific location where it will be constructed to verify there is enough clearance to provide the required fall zones. The fall surface under the playground shall be specified. As the playground is located within a parking area it would be prudent to include a fence and gate surrounding the playground area.*
- 12. The limits of concrete curb, sidewalk and apron construction on Main Street and Depew Avenue shall be shown.*
- 13. Tree removals shall be noted. Any trees to remain shall be protected with a construction fence.*
- 14. The lighting plan indicates flood lights on the west façade, a building mounted light above the*

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front entry and two pole mounted fixtures in the parking area. All fixtures shall be downward focused to prevent light from trespassing onto adjoining properties and from having any potential adverse impacts from glare. Details of all fixtures shall be provided

15. *An erosion control plan shall be provided including wheel cleaning blanket at the construction entry, stockpile area, sequence of construction, standard notes.*
16. *Construction details shall be provided for all items.*

Applicant-- Started with the issue of the side access point-- to the building the architect and ARB creating -- not fair to the applicant-- to change in mid-stream, but it seems as though this access point on the right hand side of the property will cause significant hardships to the Applicant given the hard left hand turn into the parking garage.

Applicant will comply with all conditions by the Village Engineer, including the seepage pits.

Issue of the elevator - applicant has redesign to move elevator to the front of the building to the lobby of the front door-- only

Members of the Board want the engineer to study the ability to move the entrance toward the rear of the building -- try to gain more space --for the queuing of the busses.

Applicant would like Planning Board to amend the Notice of Intent to be lead agent -- to amend the New York State Housing Trust fund Corporation-- to be added to prior. By resolution below, we agreed to re-notice the SEQRA for purpose of review by other State Agencies.

Public Comment - NONE

Board-- *One thing we need to do is a strongly worded landscape-- and confirm turning radii on the turn into the driveway- Applicant shall submit a landscape plan with maintenance agreement and such shall become a condition of any future approvals*

Motion by Chairman Klose-- to re-circulate the Notice of Intent to be Lead Agency -- to amend the New York State Housing Trust fund Corporation-- to be added to prior Notice of Intent to be Lead Agent. Voletsky, seconded, Vote 5-0--approved.

Site plan remains open for further comment and revision by Village Planner, Engineer and Planning Board.

3. 179 Cedar Hill Avenue. Cornielle Enterprise. Site Plan application for construction of a single family home and removal of two trees.

Building Inspector Property is in TFR zoning district. This is a slightly undersized building lot which received an area variance for minimum lot area size from ZBA on September 24, 2012.

Proposed house has been relocated on property to eliminate the need for area variances.

Revised Site Plan submitted.

Applicant received approval for building appearance from ARB on June 17, 2015.

Advisory opinion regarding trees proposed to be removed, dated June 16, 2015, from Tree

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Committee included tree removal at 179 Cedar Hill Avenue. I discussed the project and the key issues it raises with the Tree Committee. Here are our comments on the application followed by some further discussion of the issues and how we intend to help the Village develop some better ways to address them. Let me know if you would like me to send any of this to you in a more formal memo.

Tree Committee-- The application is for permission to remove one 54" maple and one 30" maple tree at 179 Cedar Hill Avenue. The trees are very close to the area to be excavated for the new house, and a major portion of the roots would be destroyed during construction. Measuring the Critical Root Zone, which is the volume of roots necessary for maintenance of tree health and stability, makes this clear. Using the formula in ANSI A300 for specimen trees (30 inches dbh or greater), the Critical Root Zone is a circle with a radial distance of 1.5 feet for every 1 inch dbh. The Critical Root Zone of a nonspecimen tree (less than 30 inches dbh) is a circle with a radial distance of 1.0 foot for every 1 inch dbh with a minimum of eight feet.

As shown on the plan, both of the maples in question would have impacts from the excavation and compaction. One half of the CRZ of the larger tree covers the entire building lot. Thirty percent or more of the smaller maple's CRZ will be destroyed by the excavation for the house, porch and path. Note that trees on the west property line will be destroyed as well.

In other words, the condition of the trees as outlined in the report from O'Sullivan is irrelevant, unless the applicant wants to make the case that the trees were a hazard so no mitigation should be required. Nyack's Code calls for replacing trees as mitigation for removal, but is not specific about the method to determine how many trees, which species, and locations (if not on the site or nearby). There are various formulas used in other communities for this. For example, NYC Parks has a tree valuation protocol that factors in percentages for size, condition, location and species to determine the replacement value and the number of required replacement trees. Others are simpler. Usually there is an option to deposit to a Tree Fund instead of planting. Since Nyack will soon receive the results of the complete street tree inventory with a summary report and map of trees and planting sites. We will be able to use this information to determine which species to plant and where.

The Tree Committee has agreed to work on developing recommendations for changes to the ordinance and protocols over the next several months. The key issues we noted were: the need to show Critical Root Zone and require a tree survey for new development; conflict of interest where a tree removal company evaluates trees; need for a replacement policy and tree fund; requirements for tree protection during construction; and the appropriate level of detail in a tree report.

Applicant-- Carmen DelaCruz -- applicant house-- Site Plans as submitted with the smaller home are acceptable to the Planning Board.

Jerry Ailwait - Head of the Planning Board in South Nyack wants conditions because - development affect Cedar Hill Avenue-- maintained by South Nyack. He argues that the village of South Nyack wants to grant new curbs and sidewalk to be re-installed-- match the sidewalks along this street. This board is not going to issue comments or conditions for as sister municipality and the applicant shall make the appropriate applications to them.

Public Comment -none.

Board-- Concerned about the stormwater and runoff, requests that landscaping be a condition of Site Plan Approval, and the Applicant is to return with landscaping plan Nyack's Code calls for replacing trees as mitigation for removal, but is not specific about the method to determine how many trees, which species, and locations (if not on the site or nearby). There are various formulas used in other communities for this. For example, NYC Parks has a tree valuation protocol that factors in percentages for size, condition, location and species to determine the replacement value and the number of required replacement trees.

Motion by Chairman Klose-- Moves to close the public hearing as to Site Plan Application and tree removal application. Second by Jean Gilles with Vote 5-0. Approved subject to landscape plan being submitted as set forth below.

*RESOLUTION By motion of Chairman Klose and seconded by Jean Gilles that to remove the trees by application and maps date approve the site plan dated May 4, 2015 and application drawing set; subject to applicant replacing the landscaping with appropriate landscaping selected by the applicant and returning to this board for additional landscape approval and the exterior lighting being down facing; new curbs and sidewalk to be re-installed-- match the sidewalks along this street. Applicant shall replacing trees as mitigation for removal, and return to this board with proposed sizes, conditions, location and species to determine the replacement value and the number of required replacement trees prior to issuance of a C of O. **Vote: 5-0 in favor.***

4. 60 Cedar Hill Avenue. Pavion. Continuation of site plan application to demolish existing buildings and construct mixed use residential and commercial structures.

COMBINED WITH-

5. 60 Cedar Hill Avenue. Pavion. Preliminary subdivision application to merge five parcels into one.

Notably absent from the submitted information is "the title abstract, and a municipal violation report indicating that the premises are free from violations" as required by Article V VON§360-5.8C(2)[18]. (Subdivision of Land).

Although the narrative indicates underground utility connections on Hudson Avenue,

the sewer connection is not evident on the subdivision plat but appears to have been located on site plan documents.

The Village Engineer --submission consisted of the following:

- a. *Plans entitled "Nyack Pavion, Subdivision", prepared by DCAK MSA, sheets TS-001, S-100, S-101, S-102, dated 11/07/14.*
- b. *Plans entitled "Nyack Pavion, Site Plan", prepared by DCAK MSA, last revised 6/11/15, sheets TS-001, GN-001, C-100, C-100A, C-101 through C-105, C-106 A, C-106 B, C- 500- C-503, C-507, C-508. Landscaping Planting Plan prepared by Kala, sheet L-1.*

Our comments are:

Subdivision Plat

1. *The Subdivision Plan should be called a Subdivision Map or Plat. A plat must be prepared and signed by a Licensed Surveyor. The Plat shall be prepared in accordance with the application standards for map filing.*
2. *All existing and proposed cross access and utility easements and agreements shall be noted on the Subdivision Plat.*

Site Plan-- Layout Plan

1. *The plans reflect streetscape improvements along both Hudson Avenue and S. Franklin Street. The bike lane on S. Franklin Street has been shown on the plan.*
2. *Proposed sidewalk has been proposed along Cedar Hill Avenue along the west end within the property boundary.*
3. *A radius should be shown for the proposed curbs around all parking lot end islands along the main entrance drive.*
4. *The plans do not indicate the location of any proposed identification signage. Is an entry sign proposed?*
5. *The architectural renderings do not indicate any signage of the building façade. Is it anticipated each unit will have their own sign?*
6. *The plans do not indicate any cluster of mailboxes. How will mail delivery be handled?*
7. *The plans do not indicate any fire lane striping. Has the Fire Dept. had the opportunity to complete their review?*

Grading and Drainage

1. *The inverts of all of the pipe connections including the roof leader connections, green roof drains, and underdrain connections from the porous pavement should be provided. Evaluation is needed to ensure the stormwater system does not surcharge the porous pavement underdrain. We recommend the underdrain piping and roof leader piping not be connected to the structures along the primary conveyance route of the 30 inch HDPE to the 36 inch HDPE but be connected to other structures not along that conveyance route.*
2. *Permeability tests will be required in the area of the proposed porous pavement to ensure the system is viable.*
3. *The upstream transition from the existing culvert to the proposed culvert at Hudson Street requires further evaluation and detailing.*
4. *We recommend an access structure be added downstream of the blind connection of the 36 inch HDPE to the Nyack Creek culvert to allow for future access and maintenance.*
5. *The connection of the proposed catch basins along the north curblin of the eastern section of the parking lot shall be clarified.*
6. *The text labeling the 18 inch HDPE shall be clarified.*
7. *The GR = 59.50 label at the far eastern portion of the site should be clarified.*
8. *The D50 size of the stone at the downstream off site scour hole should be re-evaluated due to the high intensity of flows through the Nyack Creek.*
9. *Spot elevations at the corners of all parking areas shall be provided to ensure positive pitch and no ponding of stormwater.*
10. *We recommend the proposed retaining wall at the northeast section of the site be raised in height to enable the cross slope of the parking lot grading to be reduced; 7% is considered*

excessive for a parking lot.

11. *The FF elevation for the third unit from the east on Hudson Avenue should be raised to be above the sidewalk grade.*

Utility Plan

1. *The pool equipment location should be shown on the plan.*

E & SC Plan

1. *A full SWPPP, Stormwater Pollution Prevention Plan, should be developed for this site.*
2. *A Stormwater Maintenance Agreement will be required to be executed with the Village to ensure the property owner maintains the stormwater management system in perpetuity.*

Lighting Plan

1. *The isolux footcandle intensities and a point plot of lighting levels for the proposed lighting should be shown throughout.*
2. *The applicant should provide expert testimony regarding the potential for glare from the lighting fixtures chosen not only to the public but also to the occupants of the units. Does this fixture have the ability to be shielded?*

Nyack Brook Profile

1. *When the final design of the culvert is underway, consideration should be given for providing access points for future maintenance.*

Sewer Plan and Profile

1. *The sewer design and details is subject to review and approval by Orangetown Sewer.*

Details

1. *The SWPPP shall clearly define the specific placement of the various methods of erosion control measures throughout construction and until such time all disturbed areas are stabilized.*
2. *All retaining walls over four feet in height will require structural calculations prepared by a Licensed Professional Engineer be submitted to the building department. Certification from the engineer will be required to ensure the walls were built in accordance with their design prior to certificates of occupancy being issued.*
3. *The pavement marking detail indicates numbers. Will the parking stalls all be numbered? Will visitor stalls be labeled?*
4. *The schematic fence detail along the top of the retaining wall indicates a fence height of six feet. Is all of the proposed chain link fence throughout the site proposed to be six feet in height?*
5. *The fence with the required locking gates around the swimming pool shall be shown and details provided.*
6. *The curbspieces for all catch basins should be an environmental curbspiece in accordance with the Village MS-4 requirements to prevent trash and debris from entering the stormwater conveyance system.*
7. *The porous pavement detail should also show the underdrain to be consistent with the layout plan.*
8. *The water plan and details are subject to review and approval by the Nyack Water department.*
9. *Parking stall striping should be added to the plans.*
10. *A trash enclosure detail should be added to the plans.*

Landscaping Plan

1. *We defer to the Village Planner for the detailed review of the Landscaping Plan, Green Roof and Rain Gardens.*

Applicant-- Details have been increased all of the plans, highlights include-- pool now matches surroundings patios added on all of the apartment along Franklin and Cedar Hill Avenue. seating area for the cafe, changes to the utility plans-- property lines being the street plan-- all changes are in the Village of Nyack. Building new sidewalks-- south east corner-- no widening -- widening would be in Village of South Nyack. compromise bringing the site plan-- wants a uniform width-- does not want to widen the strip. Applicant says they will have to let the things as we -- applicant ASTO standards says road can be 11 feet and 8 foot parking-- put it on the developer-- to decide. Issue of the landscaping along - apparently the South Nyack officials and the Developer are negotiating about the width of Cedar Hill Avenue, and the landscaping. Feels like the more landscaping we can have along Cedar Hill, the better, but South Nyack wants straight curb cuts.

Public Comment - *Village of South Nyack still working on the issues relative to drainage and road width.*

Board-- *Planner has written a LWRP for the Village Board-- nationwide permit issue with DOS- - condition with the permit --*

Preliminary approval-- site plan-- based upon the foregoing to the Attorney and the Planner to adopt a final approval.

OTHER BUSINESS-- Motion to adjourn by Chairman Klose, seconded by member Voletsky - passed by a vote of 5-0. Meeting adjourned at 8:30 PM

WORKSHOP -- workshop to amend the zoning Code relative to the WF Zone.-- NOTICED FOR

The report to the Village Board concerning the TZVista

Pre-Amble-- This matter comes before the Planning Board as a Referral from the Board of Trustees for comment and recommendation relative to several "text change" amendments in the Waterfront (WF) zone. From the Planning Board's perspective, we are at a critical juncture to enhance the Village through positive development designed to enhance the WF zoning code, encourage access to the Hudson River waterfront, and to gain valuable amenities for all concerned. We see this zone change to be a positive way to protect, enhance and preserve the unique qualities of our Hudson River community, and hope to convey our recommendations below.

In this case, the Petitioner owns the last major parcel to be developed within the WF District, which includes Section II of the Clermont Condominium complex a low-rise (4-story) and mid-rise (12-story) building directly to the south. The current WF regulations were adopted after construction of Clermont II, largely as an effort by past Trustees of the Village to ameliorate the perceived negative impacts of the Clermont development, to wit, interference with view corridors, asymmetry of design elements, and the privatization of waterfront access to the Hudson River at the base of Main Street. As a result of the zoning regulations enacted after Clermont II, the current WF zone, in our view, unnecessarily limits the character and nature of what can be accomplished by this Petitioner, and others, in the WF zone. We encourage the Village Board to conceptualize what is possible, and to vigorously

encourage amendment to the Zoning Code to enhance our community through responsible development. Similarly, before the public blindly bemoans development, we encourage all citizens to review this report, consider the possibilities, and make constructive suggestions to improve our community. We must understand and convey that development of the WF is critical to the future of Nyack, have the imagination to foresee what is possible, and work with the elected officials to develop this WF district for the benefit of all concerned.

Rather than seek area and use variances from the existing regulations, Petitioner has proposed several amendments to the Village of Nyack Code (VON Code) which, if adopted, offer some creative solutions to this waterfront development, parking, view corridors and building footprints. In the view of the Petitioner, the "improvements" to the VON Code could yield more public access to the waterfront, a reduction in the amount of waterfront land devoted to parking, and an increase in the width of the view corridors that are to be provided. After various hearings, scoping sessions, and consideration of the proposals, the Planning Board agrees that, with some creativity, cognitive flexibility, and reasonable accommodations in the VON Code, the Village would be in a far better position to embrace development of the WF zone through a zone change, rather than accepting current regulation, and demanding a "variance" application.

With this stated, we will address each of the proposed amendments to the VON Code, and make specific recommendations to the Village Board on the following proposals:

- (1) To permit an increase in the maximum building width to correspond to the greater number of view corridors;
- (2) To increase the maximum available FAR in return for permanent contextual requirements for
 - (a) public access,
 - (b) provision of public art (pocket park),
 - (c) monetary contributions for waterfront improvements;
- (3) To increase the maximum building height, while requiring structured underground parking.

The text of the proposed amendments is attached as Exhibit A, and should be amended by legal draftsmen.

VON Code § 360-5.6 (c) (1) (text amendments) sets forth the "Criteria," for consideration of Text Amendments, as follows: In considering a proposed amendment, the Planning Board and Board of Trustees shall consider the following items:

- (1) Text amendments.
 - (a) Whether such change is consistent with the aims and principles embodied in this chapter as to the particular districts concerned.
 - (b) Which areas and establishments in the Village will be directly affected by such change and in what way they will be affected.
 - (c) The indirect implications of such change in its effect on other regulations.
 - (d) Whether such proposed amendment is consistent with the aims of the Comprehensive Plan of the Village.

Report forwarded to the Village Board.

OTHER BUSINESS-- Motion to adjourn by Chairman Klose, seconded by member Voletsky. Vote 5-0.

Meeting adjourned at 9:30 PM.