



Village of Nyack  
Planning Board  
9 North Broadway  
Nyack, New York 10960

TO : Public  
FROM : Peter Klose, Chairman; Daniel Jean-Gilles; Alan Englander; Glen E. Keene;  
Peter Voletsky [Seth Kestenbaum-Alternate; Donald Wilen-Alternate]  
DATE : September 14, 2015  
RE: : **263 Main Street. Continuation of Site Plan application for demolition of existing building and construction of three story multi-family dwelling.**

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

*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 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. Variances granted by ZBA on April 27, 2015.*

*Revised site plan included, addressing Village Engineer's comments.  
Lighting and planting plans included.*

*Hydraulic Analysis and Storm Water Design Calculations included. Four seepage pits to be installed.*

*Nyack Ambulance Corp President had requested, of the applicant, an elevator car to accommodate a stretcher size of 24" x 84", which would be required for a building four stories or more in height. The applicant's architect, through correspondence, has agreed to comply with this request.*

**SEQRA - & LWRP - completed.** SEQRA – The Planning Board at their August 31<sup>st</sup> meeting made a Neg. Dec on the EAF for this project and closed out SEQRA. The Board also made a positive consistency determination for this project. The Board at their August 31<sup>st</sup> meeting also authorized the preparation of a Draft Resolution for this application to be reviewed and voted on at their September 14<sup>th</sup> meeting.

**Applicant--** Village Planner

**Public Comment - NONE**

**Board--** RESOLUTION Adopted September 14, 2015

**RE: Nyack Point, 263 Main Street – Resolution of Site Plan Approval**

After due discussion and deliberation, on motion by Klose, seconded by Voletsky, motion and carried, the following resolution was adopted:

WHEREAS, on October 20, 2014, a site plan application was submitted to the Planning Board of the Village of Nyack ("Planning Board") by the Rockland Housing Action Coalition, Inc. ("the "Applicant"), (all references to which shall include and be binding upon the Applicant's successors and/or assigns), to demolish the existing structure and construct a three-story multi-family residence consisting of 33 residential rental units including nine efficiencies, 12 one-bedroom and 12 two-bedroom units. The Applicant will set aside 8 units for individuals with disabilities and provide supportive services. There are 41 parking spaces being provided with 33 in a garage under the building and 8 spaces outside at the rear of the site. A playground will be provided at the rear of the building which will be fenced in with a gate. The development is being funded through 9% tax credits from the New York State Housing Trust Fund and is completely affordable being targeted for households at 30% - 50% of the Area Median Income (AMI) for Rockland County. The one-story building on the property was formerly occupied by a fabric store ("Project"). The Project is being constructed on a single lot consisting of 0.493 acres, and identified on the tax maps of the Town of Orangetown as Section 66.44, Block 2, Lot 6; and

WHEREAS, the Applicant is located at 263 Main Street ("Property"), within the DMU – Downtown Mixed Use Zoning District with a small portion in the TFR – Two Family Residential District at the rear along Depew Avenue; and

WHEREAS, after due notice to all involved and interested agencies, the Planning Board declared its intent to be Lead Agency for this unlisted action under SEQRA on January 5, 2015,

and accepted a Short Form Environmental Assessment Form (EAF) prepared by the Applicant with a view towards identifying the relevant potential environmental impacts that could result from the approval and development of the project, and assumed Lead Agency on April 13, 2015 to consider the proposed action's environmental impacts; and

WHEREAS, a duly advertised public hearing was held on the Application by the Planning Board on January 5, 2015, April 13, 2015, June 1, 2015, July 6, 2015 and August 3, 2015 and closed on August 3, 2015, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Planning Board has carefully considered all public comment, and reviewed, inter alia, the following documentation submitted by the Applicant, interested and involved agencies, and comments from the Village Planner, Building Inspector, Village Engineer and consultants retained by the Village:

**Drawings** · Drawing SP-1 "*Site Plan for Proposed Affordable Housing, RHAC, Nyack Point, 263 Main Street, Village of Nyack*", prepared by Bart M. Rodi, - Engineer dated 9/12/14 and revised through 7/21/15.

· Drawing SP-2 "*Landscape, Lighting and Signage Plan for Proposed Affordable Housing, RHAC, Nyack Point, 263 Main Street, Village of Nyack*", prepared by Bart M. Rodi – Engineer dated 9/12/14 and revised through 7/21/15.

· Drawing SP-2 "*Drainage and Erosion Plan for Proposed Affordable Housing, RHAC, Nyack Point, 263 Main Street, Village of Nyack*", prepared by Bart M. Rodi – Engineer dated 9/12/15 and revised through 7/21/15.

· Drawing A-1 "*Architectural Plans, Garage and First Floor Plans, Nyack Point Apartments*", prepared by Coppola Associates, Architects dated 7/20/15.

· Drawing A-2 "*Architectural Plans, Elevations, Nyack Point Apartments*", prepared by Coppola Associates, Architects dated 7/20/15.

**Environmental Forms** · *Coastal Assessment Form ("CAF")* dated 4/10/15.

· *Short-Form Environmental Assessment Form ("EAF")* dated 4/8/15.

· *Environmental Assessment Form, Part 2 and 3, Nyack Point* prepared by the Village Planner for the Lead Agency, the Village of Nyack Planning Board, dated 8/3/15.

**Correspondence/Meetings** · County of Rockland Department of Planning, GML Review: Nyack Point Apartments, Letter to the Village of Nyack Planning Board from Douglas Schuetz, Acting Commissioner of Planning, May 4, 2015.

- Bart M. Rodi, P.E., *Letters to Village of Nyack Building Department re: Determination of Dwelling Units and List of Sustainable Amenities*, November 13, 2014 and July 3, 2015.
- Bart M. Rodi, P.E., *Letter to Village of Nyack Building Department re: Project Height and Number of Stories*, dated February 24, 2015.
- Bart M. Rodi, P.E., *Letter to Village of Nyack Building Department in Response to Questions regarding Van Pickup Schedule and Relocation of Garage Entrance*, July 27, 2015.
- Bart M. Rodi, P.E., *Letter to Village Engineer (Eve Mancuso, Brooker Engineering) in Response to Comments in Correspondence dated July 3, 2015*, July 21, 2015.
- Anthony J. Coppola, R.A., *Letter to Building Department re: Revisions for Village of Nyack Architectural Review Board Meeting, April 2, 2015*.
- Gerri Levy, Executive Director, RHAC, *Email to Village Planner Providing Information on Parking Utilization for Comparable RHAC Project – Murphy Manor Apartments, Haverstraw, NY*, July 24, 2015.

**Reports/Memorandums** Eve Mancuso, P. E., Brooker Engineering, *Memorandum: “Review of Engineering and Architectural Plans for Preliminary Site Plan Submission”*, 263 Main Street, April 9, 2015.

- Eve Mancuso, P. E., Brooker Engineering, *Memorandum: “Review of Engineering Plans for Site Plan Submission last dated June 13, 2015 for 263 Main Street*, July 3, 2015.
- Robert Galvin, AICP, Village Planner, Nyack, *Memorandum to the Village of Nyack Planning Board: Project Summary and LWRP Consistency Recommendation for Nyack Point, 263 Main Street*, July 28, 2015.
- Bart M. Rodi, P.E. *“Hydraulic Analysis and Stormwater Design Calculations”*, prepared for RHAC, June 13, 2015.
- Hudson Valley Pattern for Progress, *“Urban Pioneering in the Hudson Valley, Annual Report”*, September 2014.

**WHEREAS**, on or about August 3, 2015, having found that it was in possession of all documentation reasonably necessary to determine the environmental impact of the project, and having reviewed Parts I, II, and III of the EAF, as well as various supplemental material listed above, the Planning Board adopted a Negative Declaration under SEQRA, determining that there were no adverse environmental impacts associated with the development proposal that could not be mitigated; and

**WHEREAS**, on or about August 3, 2015, the Planning Board after having reviewed the Coastal Assessment Form and supplemental material as well as a memo from the Village Planner dated July 27, 2015 determined that the Project is consistent, to the maximum extent practicable, with the policies of the Village's Local Waterfront Revitalization Program ("LWRP") pursuant to Chapter 342 of the Village Code; and

**WHEREAS**, on April 27, 2015, the Village of Nyack Zoning Board of Appeals resolved to grant the requested area variances required for the Applicant to proceed with the Project; and

**WHEREAS**, on March 18, 2015, the Village of Nyack Architectural Review Board approved the Project; and

**WHEREAS**, the Planning Board is familiar with the Property and all aspects of the proposed action and has been satisfied that the proposed site plan will conform to the requirements of the Village Code:

**NOW, THEREFORE, BE IT RESOLVED** that the Site Plan application submitted by Rockland Housing Action Coalition, Inc. to demolish the existing structure and construct a three-story multi-family residence consisting of 33 residential rental units including nine efficiencies, 12 one-bedroom and 12 two-bedroom units and 41 parking spaces with 33 spaces in the garage under the building and 8 outside spaces at the premises known as 263 Main Street, Nyack, NY, as reflected on Site Plan dated 9/12/14 and revised through 7/21/15 is hereby granted, subject to the following conditions:

1. The Applicant shall pay all outstanding consultant review fees in connection with Planning Board review of this application prior to the issuance of a building permit.
2. Prior to the issuance of a building permit, the sewer design and details shall be reviewed and approved by the Town of Orangetown Sewer Department.
3. Prior to the issuance of a building permit, any required permits from the Rockland County Department of Health shall be obtained.
4. Prior to the issuance of a building permit, a final Stormwater Pollution Prevention Plan (SWPPP) will be reviewed and approved by the Village Engineer.
5. If the Applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, insufficient sized piping or any other unusual circumstances or conditions that were not foreseen in the original planning, he shall report such conditions immediately to the Village Engineer. The developer may submit, if he so desires, his recommendations as to the special treatment to be given to alternate solutions to secure adequate, permanent and satisfactory construction. The Village Engineer, without unnecessary delay, shall investigate the condition or conditions, and shall either approve the Applicant's recommendations to correct the conditions, order a modification thereof, or issue her own specifications for the correction of the conditions.

6. That all traffic shall be directed, striped and signed in a one way fashion from Main Street entrance toward the rear exit onto Depew Avenue, and that no traffic shall be permitted or encouraged to exit to Main Street; and all renderings, diagrams, site plans remove any and all reference to exit upon Main Street.

7. That the applicant direct all stormwater to four (4) seepage pits as agreed during the public hearing;

8. That the Applicant shall provide and as a condition of continued occupancy maintain a landscaping plan designed to encourage, maintain and keep any and all plants, plant material and other vegetation in any Project maintained landscaping areas healthy, clear of debris and in good repair, and subject to Building Department oversight.

9. That any elevator have access to the front lobby level and departure to Main Street and utilize a car that shall *accommodate a stretcher size of 24" x 84"*.

10. *That the Applicant comply with all requirements to qualify for the Green Infrastructure Incentives so as to permit the number of permitted DU's to the requested 33.*

**NOW BE IT FURTHER RESOLVED** that the recommendations of the Rockland County Planning Department set forth in the General Municipal Law Review letter dated May 4, 2015, have been accepted except that the Planning Board overrides the following recommendations:

1. Paragraphs #1 and #3, to the extent that they are superseded by the approval of the Village of Nyack Zoning Board of Appeals granted on April 27, 2015 and granted herein as part of site plan approval.

2. Paragraph # 5, to the extent that it has been included as a condition required before the issuance of a building permit.

3. Paragraphs # 6 and # 12, to the extent that the project has been reviewed by the Village of Nyack Fire Inspector and Fire Department and any required modifications have been incorporated into the final site plan.

4. Paragraphs # 2, 4, 7, 8, 9, 10, 11, 14 and 15, to the extent that they have been included in the final site plan drawings as required by the Planning Board.

5. Paragraphs #13 and # 14 to the extent that the Village Engineer's review for the Planning Board indicates that the stormwater design will provide no net increase in the peak rate of discharge from the site at all design points. Furthermore, the Planning Board has included as a condition that a final Stormwater Pollution Prevention Plan (SWPPP) will be reviewed and approved by the Village Engineer prior to the issuance of a building permit.

VOTE: 5 – 0 Ayes: Klose, Englander, Jean-Gilles, Voletsky, Kestenbaum,  
Nays: None