

NYACK PLANNING BOARD--12-September- 2016

Members Present:

Peter Klose (Chairman)
Daniel Jean-Gilles
Seth Kestenbaum
Peter Voletsky
Alan Englander
Don Wilen - Alternate (not-voting)
Elijah Reichlin-Melnick - Alternate (not voting)

Also Present:

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

Absent:

Other Business: Motion to approve the July 8, 2016 Minutes-- made by Chairman Klose and seconded by Voletsky. Approved by a Vote of 5-0.

- 1. 130 First Avenue. Grace Episcopal Church. Application to create a curb cut in front of church entrance to install a handicap accessible ramp. Property is in TFR zoning district Awaiting comments from Village Engineer.**

SEQRA – *this is a Type II action under 6 NYCRR Part 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”* **LWRP** – *As a Type II action, this is considered by Village Code to be consistent with the policies of the LWRP.*

Applicant-- Len Yaniga, Sexton-- Pat Cose, Warden Would like to expand the handicapped accessibility of the site,

Brooker Engineering-- *expressed some concerns--* have individuals dropped off on Jefferson Street -- rectory -- but applicant states there is no access --rectory is owned by the Episcopal Church-- raised the fact that the corner is there - The Building Inspector is concerned by the location that people are being dropped off with canes and walkers- need more space.

Kestenbaum and Reichlin-Melnick questioned access and need, but agreed with the explanation.

PUBLIC-- NONE

BOARD-- Motion by Chairman Klose to close the public hearing. Seconded by Voletsky -- -- Vote 5-0 to close.

Klose moves to approve application to create a curb cut in front of church entrance to install a handicap accessible ramp dated plan date 4-23-15, and seconded by Voletsky, and vote-- 5-0- application approved.

- 2. 116A Main Street. Peter Pappas requests a recommendation to Zoning Board of Appeals for a variance for 5 parking spaces occasioned by the change of use from a take-out restaurant to a 1,700 sq. ft. restaurant. Property is in DMU zoning district.

PARKING ANALYSIS

USE	REQ. SPACES	
Restaurant	@1 space per 150 SQ.FT.	11
Take-out restaurant	@1 space per 300 sq. ft.	<u>6</u>
		5 additional spaces required

Pursuant to Article V VON§360-4.5 B (3) an area variance for 5 parking spaces will be required for the proposed change of use.360-4.5 B (3): 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 for the new use.

SEQRA – this is the responsibility of the ZBA. Only area variances for lot and setback variances or those related to single, two or three family residences are Type II actions, exempt from SEQRA. All others would be an unlisted action to be determined by the ZBA as part of their review and with advice of counsel. the determination for this proposed action is in the jurisdiction of the ZBA. The Planning Board has only been requested for a recommendation for the ZBA.

Applicant-- Julio Ludo-Luis-- AIA-- architect representing the new tenant -- souvlaki restaurant and take-out. Former use was a bakery. 48 seats

Applicant-- Needs five (5) additional parking spaces-- patrons need parking-- Not adding more square feet. No parking identified from other locations in the Village from other establishments-- stop sending to find additional parking-- spaces are not for rent.

Chairman Klose -- Concerned about the continued pressure to grant additional bar/club/restaurant spaces in downtown Nyack--but not much we can do with the existing law, better to permit the ZBA to make these variance determinations.

Public Comment - none

Board-- concerned by the planning aspect of this change of use without any additional parking,

Motion by Chairman Klose-- Move to close the public hearing as to the recommendation to the ZBA-- seconded by Englander, passed 5-0, as to the public discussion of the recommendation to the ZBA only. 5-0.

Variations-- Member Klose proposes to make NO RESOLUTION and make no recommendation to the ZBA as to whether to grant a Per Article IV VON§360-4.5B(3) for five (5) additional parking spaces required by a change of use from take out to eating and drinking establishment by Village Board Voletsky seconds and -- Vote of 5-0 for a no recommendation to the ZBA.

Site Plan-- Not applicable.

- 3. 160 North Midland Avenue. Mike Pomarico for Nyack Hospital. Site Plan application to construct a two story addition and four story stair tower. Property is in Hospital (H) zoning district.**

Building Inspector-- *Building height is limited to 40 feet and 3 1/2 stories by Dimensional Standards Table 4-1. Footnote (o) provides a method for permitting the increase in height of a building in the H zoning district to six stories or 72 feet, which conditions have been met.*

ARB-- *Proposal met with general approval before the ARB but application remains open.*

County-- *Comments received from Rockland County Department of Planning, Town of Orangetown Department of Environmental Management and Engineering and Rockland County Division of Environmental Health.*

NYS DOT has not yet responded.

Parking is required at 1 space per bed and 1 space per 2 employees. *Calculations provided demonstrate that these requirements conform to the Code. Rockland County Planning indicated that off-street parking should be further explored.*

Neighbors appeared at ARB to complain about existing site lighting. Applicant has provided anecdotal information indicating these issues are being addressed.

SEQRA - *This is an unlisted action under SEQRA. Notice of intent to be lead agency sent out to involved and interested agencies in August. With no objection provided, the Planning Board can assume lead agency for the SEQRA environmental review.*

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The GML referral has already been sent to Rockland County Planning and other agencies. See above for agencies which have responded.

FP Clark Associates (Mike Galante, EVP) – preliminary review emailed on 9/9/16. Mike expressed concern with the size of the drop off areas. It appears to be very limited for waiting vehicles and actual movements.

The Board should consider establishing an escrow account for this application to include engineering reviews by Eve Mancuso and traffic and parking recommendations including on-site circulation by Mike Galante of FP Clark. APPLICANT AGREED TO ESTABLISH AN ESCROW ACCOUNT OF \$7,500

Rockland Planning commented

Orangetown Planning Commented

No DOT- comments yet

Environmental Health- commented

Village Engineer-- *I am in receipt of a submission with regard to the above captioned project consisting of the following:*

- 1. Engineering plans entitled "Site Plan Submission Set for Nyack Hospital" prepared by LRC Group, last dated 8/ 22/2016, sheets CV-1, EX.0, EX-1, DM-1, OP-1, SP-1, SG-1, SD-1, EC-1, LL-1, LP-1, TT-1, NS-1, DN-1,2,3,4.*
- 2. Architectural Plans entitled "Nyack Hospital" prepared by Pomarico Design Studio Architecture, PLLC, dated 8/19/2016, sheets A4.1 through A4.7, A7.0 through A7.8.*
- 3. Stormwater Pollution Prevention Plan, prepared by LRC Group, dated 8/22/2016.*

The applicant is proposing renovations and expansion to the Emergency Room facility and services as well as a new Medical Village concept to better serve the community. Offers the following comments:

- 1. Sight lines along N. Midland should be indicated at the northernmost drive as it was formerly an entrance and will now include egress. It appears the existing mailbox may need to be relocated.*
- 2. ADA accessibility and compliant ADA ramps shall be accommodated along the full property frontage on N Midland Avenue to bring the site into compliance.*
- 3. A detail of the driveway apron to the Hematology parking area shall be added to the plan.*
- 4. The handrail detail should be reviewed for ADA compliance.*

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5. *Structural calculations, signed and stamped by a Professional Engineer, shall be submitted for any retaining wall over 4 feet in height.*
6. *A Planting Plan has been submitted. I defer to the Village Planner to review and comment upon the same.*
7. *A Lighting Plan has been submitted. The lighting intensities shall be provided.*
8. *The SWPPP should contain a copy of the Site Drainage Plan and upon completion of construction a copy of the As Built Site Drainage Plan shall also be substituted in the SWPPP.*
9. *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.*
10. *Section 10.0 of the SWPPP - Post Construction Inspection and Maintenance shall be amended to include the above noted items 8 and 9.*

Applicant-- for the Applicant - Dennis Lynch-- talking about NYS model of care -- moving away from hospital-based care-- selecting certain hospitals-- trying to reduce the number of admissions-- greater emphasis on medical village concept-- community based medical plan. Trying to reduce the size of the footprint, while improving the level of care.

Jan Degenshein--associate architect and planner-- ARB-- appearance-- many residents and neighbors-- expressing concern-- new project-- expansion for community space for patients-- more space and fewer patients-- issues surrounding neighbors-- branches removed-- shrubs died-- replaced-- have been replaced-- irrigation system is going to be upgraded-- drainage issues-- taking hard look at the drainage issues-- Looking for net reduction-- Addition is rather small- not very noticeable-- building into a hill - looks like underground-- handicapped accessibility to be improved--Also suggests a Monthly (or later quarterly) meetings for all concerned citizens-- look to have input into the situation--quarterly meetings with the Village

Michael Pamarico --plans projected onto the screen-- reducing - hospital admissions looking to improve the disposition of the outcomes. Not modified in size or scope-- but patient volume has moved from 30K admissions to 50K -- significant changes that control how much space the hospital must have to improve the situation-- the CT scanner and other imaging moved to emergency care -- improves the patient's experience-- not in an open ward-- but now going to be in private rooms-- want to provide higher level of care-- walk in entrance with a canopy-- seamless entry-- pediatric, fast track and organized entrance-- bereavement room-- linear space--

HVAC-- has been split into two pieces-- and put on the top of the building-- there is sound attenuation-- distance -- he stated that unit currently has a 45 dBa output-- half of the value-- located in the delivery area behind the hospital-- sound does not make it out of this location with sound attenuation--

Henry Morris-- Landscape Architect-- describe landscaping and grading plans

Storm Water Runoff-- actually reducing the amount of water -- porous pavement -- becomes less effective-- requires maintenance-- not a primary method-- intensity of the use for the driveway- reducing by 20%-- working with perimeter soil-- looking to improve the impacted soils-- scale and material of the trees-- could be effective--

Applicant "To Do" List

- 1- Hospital to Establish Community Liason with links and direct phone numbers listed on web-site to address local concerns:
 - A- Speeding by van
 - B- Parking and turning into local driveways
 - C- Sound attenuation of idling vehicles
 - D- Sirens and reverse backup noises
 - E- Water run off
 - F- Handicap accessibility issues
- 2- Applicant and the Attorney to appear before the Village Board with Local Residents to explore the viability of On Site Parking structure as well as resident only parking (would need approval by NYS Legislature).
- 3- Lighting Plan to minimize light pollution
- 4- SOUND-Applicant to hire acoustic engineer and meet with neighbors about continuous 65 dB noise when temperature is above 65 degrees. Acoustic engineer will examine and report to the Planning Board about the generator and all mechanical sound attenuation at the building. Also consider other sound attenuation measures for the emergency ambulance backing up when loading and unloading patients.
- 5- Stormwater -- Applicant will design stormwater and green infrastructure to reduce the stormwater discharge from the site, including steps to slow the seepage and flow of the stormwater from the site.

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- 6- Hospital will report on number of emergency room visits, as well as information about the sirens (if possible), and number of extreme emergency situations for the past year, and will project the expected number of visits to the ER.
- 7- Hospital and the Traffic consultants will look at the parking lot and sidewalk corridors and make recommendations about the safety and enforcement of the ADA-- easements
- 8- Applicant and Building Department will contact the Orangetown Police Department to give enforcement rights on the private property, particularly over the handicapped spaces which are very limited on site-- applicant will consider internal Three (3) Strike rule with their own security force on site --also see if Police department can be engaged for enforcement.
- 9- All sight line and traffic circulation issues must be addressed.
- 10- Hospital will hold a general forum to explain the intent of the program - vertical village-- cost reduction-- better and effective care-- community forum-- at Nyack Hospital-- and discuss the plans for the future parking garage and other site specific issues.
- 11- Village Planner to review and work with the parking consultant to be ensure that the parking and traffic issues are addressed.
- 12- Village Planner will review landscaping and lighting plans and prepare memo for the Planning Board.

Public Comment- Kyle Ryan-- complains about employees hanging out parking-- waiting for parking-- concerned about the parking-- wants more parking-- recurring problem/recurring issue -- parking-- Nyack Hospital wants to add more capacity-- wants a medical village-- less people into the beds-- where are these people going to park-- employee parking-- better ideas exist-- If we keep expanding-- wondering what parking alternatives are considered-- valet parking-- people are paying for valet parking-- add to the parking-- looking to expand the building, but there is some parking issues-- put a parking deck up-- buy it from the graveyard-- Wondering why the hospital doesn't put a deck in--

Board notes this Rockland County Planning Department Response # 2 raised the issue of the parking--

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Terry Mostowitz-Roth-- 106 Highland--wondering where the water goes -- underground water area wondering what accessory structures -- to deal with the underground water-- water seepage -- not sure where the water movement is-- Applicant will look at the metering the flow out and slowing it down. Applicant will also look at the 3,500 square feet of impermeable surface-- but there may be ways to enhance the situation to slow the water down.

Mary Lou Dillon-- 113 Sickles-- quality of life issue-- ambulances-- backing into the bays-- when entering the emergency area -- sirens should be shut off at Midland and High-- concerned -- will not be happy to keep the this situation - after complaining the problems has continued for the past year-- the backup signal -- not backing up - rear backing up issues-- any sound attenuation-- Applicant's acoustic engineer will review and discuss the potential -- idea is to be visual and baffle of ambulance's sound noise

Robert Spordo-- all of the issues "ditto"-- larger communication-- why is this a benefit-- large community piece of what we need to deal with-- if it is transformative and how does it effect on the community-- focus on what specialty in the Medical Village -- nature of of the patients- what is the impact?

Laurie Donald-- 18 Front Street-- parking concerns- dealing directly with the noise of various units-- continuous noise-- 60 dB -- looking to expand-- --continuous -- tone-- the emergency There is an acoustical engineer-- the person can look at all of the machines- - can hear-- will send them to -- acoustic engineer--

Hospital liaison-to address the situation -- address the ADA accessibility- the Hospital not required to make old adjustments---

Elana Williams -- 26 Haven Court-- for past 10 years -- to get handicapped parking-- needs additional parking-- not enough-- EMS center--and ADA parking has to enforce the handicapped.

BOARD - Planning Board would like the Village Planner to review the plans and concerns expressed by the village residents, seek ways for the applicant to ameliorate (a) parking; (b) traffic safety; (c) storm water runoff (d) protection of old growth trees (d) sustainability and other site specific issues raised by these minutes or the Village Engineer report -

Parking requirements-- met by the Building Department-- Dennis Lynch, applicant's attorney, indicates that Nyack Hospital meets Village parking requirements - only parking requirements-- one space per bed-- for Hospital Zone-- Building Department does not have the capability to question every bed and employees.

Village Attorney-- explained the process-- how the parking calculations are interpreted, what types of concerns are addressed and considered.

Alternate Board member Elijah-- Hospital already has designed parking structure - putting it on Hospital Ground-- ARB-- liked the parking structure plan--

Member Voletsky-- concerned -- that you are going to turn people away-- wondering how you are going to cover and deal with people using the facility -- concerned about not going to ER don't go to the ER for only social issue-- NIH-- concerns-- St. John's had to deal with the situation-- NYS is going to monitor the social determinates and the chronic diseases-- they are looking to spread out the issue--

BOARD-- Motion by Chairman Klose -- moves to be lead agency for SEQRA review, second by Voletsky -- 5-0 to accept Lead Agency Status for this unlisted action under SEQRA. Notice of intent to be lead agency had been sent out to involved and interested agencies in August. With no objection provided, the Planning Board assumed lead agency for the SEQRA environmental review. Vote-- 5--0, to approve.

4. **273 Main Street. Gateway Lofts. Site Plan application to construct a four story multi-family dwelling, subdivision for the merger of two lots and request for recommendation to the Zoning Board of Appeals. Property is in the DMU zoning district.**

Application was returned to PB by ZBA for SEQRA determination and completion of subdivision approval.

CONTINUATION OF SITE PLAN APPLICATION. MOTION TO RE-OPEN PUBLIC HEARING FOR ADJOURNMENT PURPOSES ONLY

OTHER BUSINESS-- Motion to adjourn by Chairman Klose, seconded by member Englander-passed by a vote of 5-0. Meeting adjourned at 9:25 pm.