

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: Glenn Keene has resigned from the Board-- We welcome Elijah Reichlin-Melnick as an Alternate.

Other Business: Motion to approve the September 14th, 2015 Minutes-- second by Voletsky-- Vote 5-0 approved.

1. 176 North Franklin Street. Rocco Perini. Application for removal of twelve trees. Arborist's letter included. Property is in TFR zoning district. Application has been referred to Nyack tree commission.

Applicant-- ADJOURNED -- by applicant

Public Comment - NONE

Board-- Public Comment -NONE

2. 143 Main Street. Dominick Pilla for Hawthorne Consolidated, LLC. Application for exterior alterations and elevator installation. Property is in DMU zoning district.

Building Inspector-- Applicant received ARB approval at September 16, 2015 meeting. 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...." LWRP – As a Type II action, the Village Code considers this to be consistent with the policies of the Village's LWRP.

Applicant-- All work to remain in existing footprint, will not be increasing the non-conformities. Board could find nothing to comment upon.

Board-- NONE

Public--NONE

Board Actions and Resolutions:

Motion to close the public hearing by Klose, seconded by Jean-Gilles, Vote of 5-0 to close.

RESOLUTION By motion of Klose and seconded by Voletsky to approve the site plan and planned improvements *Application for exterior alterations and elevator installation..* **Vote: 5 – 0 in favor of the Site Plan.** SITE PLAN--Member Klose moves, and Voletsky seconds the motion to accept the Site Plan dated 8-7-15 application Plans as submitted, subject to reasonable conditions imposed by the ARB and the ZBA, all exterior light down facing, Vote of 5-0 to grant the site plan application.

3. **2-6 North Midland Avenue. Barry Terach for Joseph Lagana. Site Plan application to demolish existing structure and construction of a three story multi family apartment building. Property is in DMU zoning district. Architectural Review Board offered a positive recommendation for demolition at 12/17/2014 meeting.**

Member Englander recuses himself from this application.

Building Inspector --*Tax maps and prior Site plan drawings indicate this to be a two parcel property. A subdivision and special permit will be required to merge properties. a Site plan of existing conditions should be provided. Density calculations indicate 41 dwelling units are permitted @ 50 units per acre. With a 10% increase in density for Affordable Housing (+4), a 10% increase for Brownfield Cleanup (=4) and a 10% increase for exceeding NYS Energy Code requirements (+4), 53 Dwelling units would be permitted. Applicant must provide details outlining how requirements will be met for the requested additional dwelling units. Proposal is for 48 DU's.*

PARKING

The following Parking requirements have been calculated for 48 Dwelling Units:

26 1 bedroom units @ 1.25 spaces per DU=36.25 spaces required.

19 2 bedroom units @ 1.70 spaces per DU=32.3 spaces required.

68.55=69 spaces required.

67 off street parking spaces are being provided.

Per Article IV VON§360-4.5B (3), the previous use of an 8, 00 sf retail space would have required 20 parking spaces (8,000/400 =20). 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 69 spaces, previous retail use required 20 spaces.69-20=49 required spaces with 67 provided. Parking requirements are deemed to be met.

Building Height

Proposal presents as a 4 Story building where 3 Stories are permitted which would require an area variance. Applicant is unable to lower ground floor because of potential flooding issues caused by Nyack Brook as it traverses his property. An area variance will be required from Article IV VON§360-4.3 Dimensional Standards Table 4-1 for a four story building where three stories are permitted.

BASEMENT

That portion of a building that is partly below grade. A basement shall be considered as a story for purposes of height measurement where the finished floor above the basement is:

A. More than six feet above the grade plane;

B. More than six feet above the finished ground level for 50% or more of the total building perimeter; or

C. More than 12 feet above the finished ground level at any point.

STORY

That portion of a building between the surface of any floor and the surface of the floor above it or, if there is no floor above it, then the space between the floor and ceiling next above it. A basement shall be counted as a story for purposes of height measurement if the floor-to-ceiling height is more than six feet above the grade plane, more than six feet above the finished ground level for 50% or more of the total building perimeter, or more than 12 feet above finished ground level at any point. An area variance will be required from Article IV VON § 360-4.3 Dimensional Standards Table 4-1 for an FAR of 2.4 where 2.0 is permitted.

Proposed action is more than 500 ft. from State Road Rte. 9W. The action does not meet any other GML threshold and therefore it does not need to be referred to Rockland County Planning under GML.

SEQRA – The proposed action is an unlisted action. The Planning Board received the Short Form EAF dated 1/30/15 and declared its intent to be Lead Agency on February 20, 2015. The Board received no objections and assumed lead agency status on March 20, 2015. There was no requirement to refer this application to Rockland County Planning under GML. The Board has received the following correspondence related to the application which has been made part of the record. These include:

- Eve Mancuso P.E., Brooker Engineering (Village Engineer), Memorandum: Site Plan Review of Montclare Apartments, Engineering Plans (1/7/15) prepared by Anthony Celantano and Architectural Plans (1/13/15) prepared by Barry Terach, January 27, 2015.
- Blue Shore Engineering, Letter re: Federal Permit Requirements for proposed work at 2 – 6 North Midland Avenue, February 25, 2015.
- NYS Department of Environmental Conservation, SEQRA Review: Montclare Multifamily Building (2 – 6 N. Midland Avenue), Project ID: 5682, March 20, 2015

The Applicant has submitted new site plan and related drawings for review by the Board. This is the first time that the Board has reviewed these revised plans since they have established themselves as Lead Agency for the application.

The Traffic Study prepared by Harry Baker Associates has been submitted to the Planning Board for review at this meeting. Mike Galante of FP Clarke Associates has conducted a preliminary review and will review his analysis with the Board at this meeting.

*Escrow – Applicant has been requested to open an escrow account in the amount of \$9,500 for review of the application. This will include engineering and traffic review. **ARB granted approval, with conditions, of this design at it's March 18, 2015 meeting. Traffic analysis and site plan submitted.***

Traffic Review – Proposed Montclare Residential Development, North Midland Avenue at Main Street, Nyack, New York *As requested, we have conducted a review of the Traffic Impact Study prepared by Harry Baker and Associates, dated July 22, 2015, and the Site Plans prepared by Celentano Engineering, PLLC. The following sections describe the proposed development, a summary of the Applicant’s Traffic Report and findings, as well as our comments for consideration by both the Planning Board and the Applicant.*

Workshop was held on September 11, 2015 with owner and his representatives and the Village Planner, Mike Galante, the Village traffic consultant from FP Clark and myself to discuss traffic study and site plan issues. This department has not yet received any amended plans or traffic findings.

Applicant-- SINCE NO NEW PLANS WERE SUBMITTED, THE PREVIOUS NOTES AND CONSIDERATIONS OF THE BOARD ARE PART OF THE PRIOR MINUTES. Because the matter was duly noticed for public meeting, the Planning Board continued to discuss plans, expressing concerns for the size, bulk, and other issues with the applicant who promises to bring a complete Site Plan for the the board’s attention. Board continues to be frustrated with the width of the sidewalk, the size of the building and the fact that the building will extend 9 feet towards Main Street. At this time, the traffic consultant, planner and board are all awaiting the submission of the actual Site Plan to be presented, with complete elevations

Public Comment - none

Board-- NO Actions taken, the Board continues to await the submission of an actual Site Plan.

OTHER BUSINESS-- Motion to adjourn by Chairman Klose, seconded by member Voletsky - passed by a vote of 5-0. Meeting adjourned at 8:55 PM