

NYACK PLANNING BOARD-- March 7, 2016

Members Present:

Peter Klose (Chairman)
Daniel Jean-Gilles
Alan Englander
Seth Kestenbaum
Peter Voletsky
Elijah Reichlin-Melnick-Alternate

Also Present:

Don Yacopino, Building Inspector
Bob Galvin—Village Planner

Absent: Donald Wilen-Alternate
Walter Sevastian

Other Business: Motion to approve the February 1, 2016 Minutes-- second by Jean Gilles--
Approved by a Vote of 5-0.

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-- -- NO APPEARANCE, -- APPLICATION IS APPARENTLY ON HOLD WHILE THE TREE COMMITTEE GETS ORGANIZED Public Comment - NONE Board-- APPLICATION IS OPEN

2. **50 Gedney Street. York Analytical Lab.** Application for the removal of one Blue Atlas Cedar tree. Property is in TFR Zoning District. Arborist's letter included.

SEQRA – this is a Type II action under SEQRA NYS DEC 617.5 (c) (14)"public or private best forest management (silvicultural) practices on less than 10 acres of land, but not including waste disposal, land clearing not directly related to forest management, clear-cutting or the application of herbicides or pesticides;"LWRP – As a Type II action, the Village Code considers this to be consistent with the policies of the Village's LWRP.

Applicant-- Applicant-- concerned about the diseased and dangerous trees overhanging various residential buildings. Board concurred. Reichlin Melnick questioned whether we needed additional paperwork.

BOARD-- Motion by Klose to close the public hearing. Second by Jean Gilles -- -- Vote 5-0 to close. Klose moves to accept application to remove the trees subject to the applicant planting appropriate foliage and landscaping to ameliorate any stormwater runoff caused by the removal of old growth trees. Seconds and vote-- 4-0-1 to approve with Voletsky abstaining.

3. 60 Front Street. Joseph Kydon 203 Sixth Avenue. Permit application for the removal of three (3) trees. Property is in TFR Zoning District. Arborist's letter regarding diseased tree included. Applicant requests permission to remove two pine trees as well.

SEQRA – *this is a Type II action under SEQRA NYS DEC 617.5 (c) (14)"public or private best forest management (silvicultural) practices on less than 10 acres of land, but not including waste disposal, land clearing not directly related to forest management, clear-cutting or the application of herbicides or pesticides;"* **LWRP** – *As a Type II action, the Village Code considers this to be consistent with the policies of the Village's LWRP.*

BOARD-- Motion by Klose to close the public hearing. Second by Jean Gilles -- -- Vote 5-0 to close. Klose moves to accept application to remove the requested trees subject to the applicant planting appropriate foliage and landscaping including weeping trees or to discuss with the tree committee to ameliorate any storm water runoff caused by the removal of old growth trees Englander seconds and vote-- 4-0-1 to approve with Voletsky abstaining.

4. 32 Tallman Avenue. Bernie Weintraub. Application for a minor subdivision relative to interior lot line created by recently approved subdivision. Property is in TFR Zoning District. Proposal complies with Zoning Requirements.

SEQRA – *this is a Type II action under SEQRA NYS DEC 617.5 (c) (9) construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in section 617.5(c)(11) and the installation, maintenance and/or upgrade of a drinking water well and a septic system;"* **LWRP** – *As a Type II action, the Village Code considers this to be consistent with the policies of the Village's LWRP*

Applicant-- *by applicant to conduct a minor sub-division in a recently sub-divided parcel to allow more room for a new 2 detached Garage dwelling in zone-- Plot plan Lot 1 --to be modified by about 200 square feet.*

Public Comment - NONE

Board-- *Klose moves to close the public hearing-- second by Voletsky motion to close approved -- 5-0. Board-- RESOLUTION By motion of Chairman Klose and seconded by Englander that application and maps dated Plot plan Lot 1 -- dated 12/18/2015 and Site Plot Plans-- to be modified by the approximate 200 square foot jog in the eastern property line should be granted to permit the construction of the larger garage, subject to applicant installing landscaping with appropriate landscaping selected by the applicant and the exterior lighting being down facing. Vote: 5-0 in favor.*

5. **251 N. Midland Avenue.** Nyack Community Ambulance Corp. Application for Site *Plan approval and Special Use Permit. Property is in TFR Zoning District. Apartment accessory to not-for-profit ambulance facilities is a permitted use listed in Table 3-1, Permitted Uses which requires a special use permit pursuant to Article V, VON§ 360-5.9A, subject to the following requirements found in Article III VON§360-3.2E(9)(a):*

360-3.2E (9) (a): Multifamily apartment accessory to not-for-profit ambulance facilities subject to occupancy restrictions. [Added 10-11-2012 by L.L. No. 11-2012; amended 7-16-2015 by L.L. No. 3-2015]

(a) All multifamily apartments shall meet the requirements for residential dwelling units contained in the New York State Fire and Building Code. At least one on-site parking space shall be required for each dwelling unit. The Planning Board shall require such reasonable covenants and restrictions to ensure that occupancy of apartment's accessory to not-for-profit ambulance facilities shall be limited to emergency service providers actively associated with the ambulance facility and their spouses and children. These accessory apartments shall be located on the same lot as the ambulance service facility or an adjacent lot to the facility.

Village Planner comments - *The legislation under which this application is being submitted was changed in 2015 to deal with the previous inconsistencies and anomalies of the Code. The Code provided a special permit process for ambulance facilities. The current code is a reasonable approach which was refined to include a special permit for accessory multifamily housing for ambulance corps volunteers. These special permits for both ambulance facilities and accessory multifamily housing for volunteers and their families are now under the jurisdiction of the Planning Board and not the ZBA since in most cases, site plan review is also required for these applications (such as is the case for the current application). The amended legislation eliminated the restrictions on children in these units. The current legislation now specifically allows the volunteer multifamily housing to include volunteers and their spouses and children. Additionally, accessory apartments can either be located on the same lot as the ambulance facility or on an adjacent lot (which is the case in the current application).*

The dwelling unit sizes are 950 square feet in each of the four units. This is above the minimum size of 750 square feet in the TFR district. The Minimum Lot size, minimum lot depth and front, side and rear setbacks are non-conforming pre-existing conditions and as such are not required to go to the ZBA for a variance.(see Section 360-1.9(C)(2)). The Code requires that for these accessory apartments at least one parking space be provided for each unit. The applicant is providing 2 spaces for each units or a total of 8 parking spaces.

SEQRA--This is technically an unlisted action since it includes the approval of 4 units of housing. The Planning Board is the only agency which can act as lead agency. I would recommend that the Planning Board can conduct an uncoordinated review under SEQRA for this proposed action. Since the housing units are existing and zoning compliant under the terms of the special permit, the Board can make a Neg. Dec determination. I have filled out a Draft Nag Dec on Part 3 of the EAF for this recommended for the Board's review. Any approval by the Board shall require such reasonable covenants and restrictions to ensure that occupancy of apartment's accessory to not-for-profit ambulance facilities shall be limited to emergency service providers actively associated with the ambulance facility and their spouses and children. (360-3.2E (9) (a)) – see above

LWRP— *A review of the policies as they apply to this application indicates that the proposed action does not hinder the achievement of any of the Village’s LWRP policies. The Board can make a positive consistency determination for the proposed action.*

Applicant-- The Applicant no parking for multifamily-- more restrictive use-- exceeded the one space per unit. Standard lease covenant for only volunteers of the ambulance corps. Condition of the permit-- change in the use of the property should dictate change of use-- special permit to stay. Any change of ownership special permit dies. Prior application and variances for the existing residence withdrawn. Since we last appeared before this board in April of 2014 the village board has added the "Apartments accessory for not-for profit ambulance facility" special permit use to the TFR zone. The site plan has been updated to reflect this change and is being submitted for a special use permit. Under section 360-3.2E (9) apartment accessory to not-for profit ambulance facilities subject to occupancy restrictions by the planning board. The site plan shows the parking that is available on site and on the adjacent NCAC site for this apartment use. This application meets the minimum dwelling unit size of 750 sf as 950 sf is provided in each of the 4 units. Parking has been calculated at 2 spaces per each 2 bedroom dwelling unit. We are requesting a "special use permit" under the provisions of Vonn 360-5.9 Special use permits and as noted in table 5.1 request the planning board to review and approve this application. The site plan and building plans are submitted for your consideration at the next regular meeting of the board.

Public Comment - none

BOARD-- hearing is continued to permit the input of the General Municipal Law respondents, however the Planning Board is inclined to grant the special permit with the condition that should the approval of the Special Permit shall be limited to the use of the property as an emergency first responder residence and that any further change of use or change of ownership shall void the Special Permit and on the Condition that the residents of the home are actually emergency first responders serving as volunteers at the applicant’s location.

6. 400 High Avenue. John Krupa for Nyack Nylon LLC. Continuation of application for amended Site Plan approval, and subdivision required to merge three separate properties with previously subdivided property.

Past Acts, Plumbing fixtures and associated rough plumbing have been eliminated from rooftop structure as of 1/28/2016 field inspection. A variance for the elevator is still required from NYSDOS for which the applicant has recently filed Assuming the local review boards are willing to approve the building modifications, at issue is whether Land Use Board approval can be granted for a structure that requires a variance from DOS and whether approval should be

granted to access a space available to guests and the general public via the elevator to the roof which has no permitted use. The elevator itself requires a variance from the DOS because the car size is too small to accommodate the required ambulance stretcher per Section 3002.4 of the Building Code of New York State Included in the packet are photos, copies of previously approved site plan and elevation drawings along with current amended drawings The County of Rockland Department of Planning requested, in its 11/23/2015 review of proposed subdivision, further information from the applicant along with recently revised site plan documents. Updated site plans have recently been sent. RC Planning comments are included.

The Village Planner requested a narrative clarifying the proposed subdivision and site plan documents for the purpose of closing out SEQRA on 12/21/2015. Applicant has not submitted requested documents. Additionally, the building department has not yet received requested title abstract and municipal violations report indicating the properties are free from violations.

*An **Area Variance** was granted from **Article IV VON§360-4.3, Dimensional standards Table 4-1** for a building height of 72'5" feet, where 35 feet is permitted and for which a height variance of 51.7 feet was previously approved. The radius rooftop structure is to serve as a cosmetic feature designed to soften the effect of the vertical appearance of the elevator shafts. There is no proposed rooftop occupancy use at this time.*

Three variances for additional building height from: 360-4. 2C (1) & (2) (b); 360-4.3 Table 4-1 [for 72'5"] and 360-4.2C (2) (c) were granted by ZBA on January 25, 2016. Comments from Rockland County Planning are included. Revised Site Plan and Subdivision information was sent to involved agencies on November 30, 2015. To date, Rockland County Department of Highways is the only entity to respond.

SEQRA this is an unlisted action for which the Village Planner has prepared a recommended Neg. Dec. Included are the revised Part 1 and Parts 2 and 3 of the EAF for the Hotel's amended subdivision and site plan. The Part 3 makes reference to the added visual analysis (added photographs from the Building Department dated January 27, 2016) and the ZBA granting of the height variances considering the update visual analysis and the addition of proposed radius rooftop structure as a cosmetic feature to soften the effect of the vertical elevator shafts. Also mentioned no rooftop occupancy proposed. The Planning Board has already conducted an extensive environmental review of the original subdivision and site plan including drainage, visual impacts and traffic impacts. The amended action does not increase the capacity of the Hotel and the added properties are now integrated into the overall hotel project and does not alter the Board's original evaluation. LWRP Based on review of the CAF, there are no additional impacts on any of the policies and the Board can determine that the amended action is consistent with the Village's LWRP.

The Nyack Fire Department has indicated it will access the roof at the NE corner of the building, at Cemetery Lane.

Building Department shall follow with the NYS building code variances relative to the elevator and the roof.

BOARD-- Motion by Klose to close the public hearing. Second by Englander -- -- Vote 5-0 to close. Klose moves to accept a separate resolution that has been drafted by the Planning Board and the Village Planner by separate document permitting the Chairman to sign the Resolution-- Englander seconds the acceptance of the resolution, and vote-- 5-0 to approve the resolution that has been set forth in the accompanying Resolution.

7. Applicant here for three new Site Plans for 11, 9 and 5 Prospect Street. Comito Homes. Site Plan application for the construction of three single family homes. Property is in TFR Zoning District.

Building Inspector - *Applicant received ARB approval for two of the three houses on 2/17/2016.*

Exterior design changes were requested for house on lot #4. Changes have been made and submitted to ARB for review. ARB has not yet commented.

SEQRA - *this is a Type II action under SEQRA NYS DEC 617.5 (c) (9) construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in section 617.5(c)(11) and the installation, maintenance and/or upgrade of a drinking water well and a septic system;"* **LWRP** – *As a Type II action, the Village Code considers this to be consistent with the policies of the Village's LWRP*

Applicant-- The Board and the Applicant three new homes-- prospect street-- ARB approved house designs-- lot 4 home will be changed slightly -- to permit an offset two car garage -- needs two car garage-- another bay added to the left with offset garage berm and the planting plan along 9W applicant agrees to change out a few shade trees to deciduous trees to accompany the heavily planted 4 foot berm to protect sound and vision along Highland.

Public Comment - PUBLIC

BOARD-- *and Applicant discussed at length the situation with the berm and it shall be no taller than four feet from existing grade of Highland (9W). Board does not want a tremendously high Berm Applicant will protect sight lines.*

Member Kestenbaum concerned about the traffic turning off of 9W and the location of the driveway, however, appears that the location will work subject to occupants being careful as they pull into the public street.

ONE ISSUE FOR THE VILLAGE BOARD -- *the street here will be offered for dedication at some point. The 12 wide right of way along this street abuts a commercial property that has*

some dead or dying vegetation. Upon the offer of dedication along this small street serving only four homes, the Village may want to discuss care, maintenance, and support of those vegetative buffers.

BOARD-- Motion by Klose to close the public hearing. Second by Voletsky -- -- Vote 5-0 to close. Klose moves to accept the proposed overall site plan showing the site plan for the overall subdivision dated 3-1-16 site plans, and requests the applicant supply three individual site plans that set forth all engineering for each individual lot and the private road, and adopts the landscaping plan which is two pages dated 2-3-16 with L-201 and L-701- with the caveat that the berm be limited in height to four feet plus plantings, that the applicant plant at least two deciduous trees with potential for decent shade, curve the berm back to permit full range of view up and down Highland Avenue, and install an easement to require the home owner of the lot immediately adjacent to the Route 9W and being served by the Berm to maintain the coniferous and other plantings in a reasonable condition. As part of this approval, the applicant is getting approval for Alternate lot number 4 with the offset garage --and applicant to return if not going to use the offset, subject to reasonable conditions imposed by the ARB with respect to #4--; and further resolves to permit the removal of the existing trees subject to the applicant planting appropriate foliage and landscaping to ameliorate any stormwater runoff caused by the removal of old growth trees; and providing the Building Department with the final "as built" surveys for each lot with all engineering. Jean Gilles seconds and vote-- 5-0 to approve.

8. 2-6 N. Midland Avenue. Barry Terach for Joe Lagana. Montclare apartments. Continuation of Site Plan application for the construction of a three story multifamily apartment building. Property is in DMU Zoning District. Member Englander recused himself from this application. Revised drawings submitted.

Village Traffic Consultant-- Letter dated March 1, 2016--Based on a review of the correspondence noted above, we offer the following comments:

- 1. Site Access Considerations – The Applicant has modified plans to incorporate pavement markings and signing, as referenced in a plan prepared by our office and identified as Figure 2 "Recommended Internal Circulation/On-Street Parking/Signing" and dated January 8, 2016. It is our opinion that the information provided on our Concept Plan, as recommended to the Village, should have been incorporated into the Overall Site Plan prepared by the Applicant. However, for purposes of completing this review process the information is acceptable. We note that in previous discussions it was recommended that the exit drive be reduced in width from 12.5 feet to 12 feet in width to accommodate a 4-foot wide sidewalk for pedestrian access from the street into the parking garage. This was not provided; therefore the Applicant should address this at the next meeting. Applicant shall*

expand to 48 inches with the curb and expand the interior sidewalks. We note that the Applicant is proposing 5-foot wide sidewalks along the entire frontage along North Midland Avenue and Main Street. This includes the appropriate handicap accessible ramps.

- 2. On-Site Parking and Access Layout – The plan has been modified to incorporate pavement markings and internal traffic control signing and directional signing, as recommended. Recommends that overnight regulations restrictions be eliminated Figure 2 January 8, 2016-- in that block-- parking authority Village Board shall look at the resolution-- changed the regulations.*
- 3. Pedestrian Circulation and Access Considerations – As previously noted the Village should work closely with the Applicant to consider, in the future, upgrading the traffic signal and provide pedestrian signals at the intersection of Main Street and North Midland Avenue. The applicant and the Village will work together on the handicap access-- with agreement in concept.*
- 4. Sightline Analysis – The Applicant has modified the building design at the corner of Main Street and North Midland Avenue to provide a greater separation between the existing traffic signal pole and the corner of the proposed building. The new plan shows a notch cutout at the corner of the building to further separate the traffic signal pole and traffic controller from the corner of the building, as well as provide an enhancement to maximize the intersection sight distance (ISD) and sight triangle at the intersection to benefit both pedestrians and vehicular movements at this intersection. Specifically, it will assist the motorist traveling southbound on North Midland Avenue approaching Main Street, as well as the motorist traveling eastbound on Main Street approaching the intersection with North Midland Avenue. The upper floors will include balconies to ensure a safe separation between the balconies and the signal poles and all power lines. The Applicant should develop an appropriate glass or fence divider to be approved by the Village. A glass-type barrier on the lower levels will also ensure maintaining adequate sightlines. This modification to the building and the recommended pavement markings, as proposed by our office and graphically illustrated in Figure 2, as noted above, provide the sight triangle that is necessary to enhance overall operations and safety at this intersection.*

To provide this improvement to the corner the Applicant has cutout the lower level of the building so that a motorist or pedestrian can see under the building and obtain the sightline clearance noted above. This sight triangle, at its maximum distance, measures approximately 85 feet; however, it must be noted that it is a small window of sightline under the building and between columns. In essence a motorist will have an opportunity to observe a motorist approaching at the

approach to the intersection at approximately 30 feet back from the STOP bar on Main Street and approximately 10 to 15 feet on the North Midland Avenue southbound approach. This will depend on the final placement of the STOP bar, which we recommended to be shifted further to the south towards the intersection.

5. *Traffic Signal Timing Plan – To enhance and reduce vehicle queuing on the Main Street eastbound approach to the intersection it is recommended that the traffic signal timing be changed to provide a three second longer green arrow and reduce queuing on the Main Street approach. This is based on a residents comment.*

The results of the analysis, which are attached, indicate the comparison and improvements for both the westbound and southbound approaches to the intersection, indicate a minor reduction in delay during peak hours. The change in Level of Service is generally from “C” to “B,” depending on the approach and the reduction in delay is minimal but will be a benefit to the general public. The attached Tables 1 and 2 provide the results of the analysis. The Village should consider these changes to the traffic signal timing plan. Mike Galante-- to work with the Village to get it changes as a condition of this Site Plan approval.

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

1. Engineering plans entitled “The Montclair” prepared by Pietrzak & Pfau Engineering and Surveying, last revised 2/11/16, 11 sheets.
2. Response letter dated February 16, 2016 from Pietrzak & Pfau.
3. Stormwater Maintenance Agreement submitted by Barry Terach, Arch.

I offer the following comments:

Site Plan Upper Level 1. *The proposed terraces on each façade have been shown. The engineering narrative provided offers that the terraces along the entrance drive have 10.9 feet vertical clearance from the drive pavement elevation. The distance from the face of the terraces to the north property line shall be shown. This dimension scales approximately 10 feet. Fire and Emergency Services departments should review these dimensions to confirm this is adequate for their access in the event of an emergency. Emergency vehicles are not going into the*

Site Plan Lower Level 2. *The limits of the curb, interior to the garage along the west wall, remains to be clearly shown. NONE*

3. *The width of the sidewalk adjacent to the entrance to the pedestrian entrance drive shall be shown on the engineering plans. 42 inches at the pedestrian entrance-- and now will be 48 inches*

4. *An enlarged engineering scale to be revised on added to the site plan of the northwest corner of Midland Avenue with Main Street has been provided. Additional details are needed; spot elevations, ramp, landing to demonstrate ADA compliance has been met. It appears two separate ramps may be the solution rather than the single corner ramp as currently indicated. Further evaluation is needed.*

Utility Plan 5. *Details of both storm water structures transitioning from the existing upstream condition and again transitioning to the existing downstream conditions shall be fully detailed. Shop drawing submittals will be required to be submitted to the building department prior to construction of the same.*

6. *Catch basin filters shall be shown to prevent trash from entering the Nyack Creek.*

7. *A Stormwater Maintenance Agreement has been provided. The following shall be added:*

1. *A. "the owner shall install catch basin filters"...*
2. *The owner shall submit written certification from a licensed professional verifying the dates of inspection, findings and any actions taken. This report shall be submitted annually to the building department in January of each year.*
3. *"The owner shall reflect these items on the Site Plan".....*
4. *There is reference to work being performed on off-site properties. The PB has no ability to compel work to be performed by property owners that are not the subject of this application. Legal review and opinion on this matter is needed.*
5. *Add new Item 5 and re-number document. Add "The property owner is responsible to maintain that portion of the culvert conveying the waters of the Nyack Creek as it traverses their property.*

Grading Plan 6. *Preliminary design of the retaining wall is needed to determine if sufficient setbacks have been provided to accommodate a retaining wall with heights that vary up to ten feet. In addition to the wall, the protective fencing to safeguard pedestrians and guide rail to safeguard vehicles shall all be shown in the detail. Applicant will consider the readi rock or similar product.*

Sign, Striping and Lighting Plan 7. *Traffic control striping and signage has been added to the plan to address vehicular movements. Signage also needs to be added to address the intersection where the drive aisle meets the sidewalk parallel to the entrance drive. This is intended to mitigate potential vehicular- pedestrian conflicts.*

8. *Is there a directional sign to the entrance drive being considered? Entrance plan to be added to the plan.*

9. All of the handicapped stalls are proposed on the north side of the entrance drive, while the elevator is on the south side of the entrance drive. The striped walk appears to be leading to stairs. Please clarify. The ADA path to the elevator shall be indicated. The ADA stalls shall be in as close proximity to the elevator as feasible.

10. A note is shown on the plan referring to Figure 2 prepared by Frederick P. Clark Associates. We are not in receipt of figure 2.

11. Building mounted fixtures have been indicated along the north façade of the building. The detail provided is not clear. Perhaps a vendor brochure can be provided. The lighting plan indicates intrusion of lighting onto the neighboring residential units to the north. The fixtures chosen shall cut off light trespass at the property line and not have adverse impact upon the upper levels of the adjacent building. The plan appears to indicate 10 footcandles at the fixture. This is an extremely high level of intensity and is not appropriate for a residential property. Applicant to specify the type of lighting.

12. Lighting along the property frontage on N Midland Avenue and Main Street has not been provided.

Site Detail Sheet 13. The pavement section for the parking level and pervious pavement shall be clarified. The feasibility of constructing a bituminous pavement within the confines of the parking level should be evaluated.

14. The current ADA stall markings shall be provided.

Additional comments: 15. We are not in receipt of a Landscaping Plan. REVIEWED DURING MEETING AND DISCUSSED -- STREETSCAPE LIGHTING ADDITIONS WOULD BE WELCOMED 16. Streetscape enhancements of Main Street consistent with that constructed on Main Street to the east shall be considered and incorporated into the design where possible.

Applicant-- The Board and the Applicant went back and forth with the newly revised plans. The Traffic consultants will review these plans. Members of the Planning Board remain very concerned about the corner of Midland and Main. Present building is planned to be very close to the edge of the sidewalk.

Member Kestenbaum mentioned the corner of Main and Midland and his concern about the height of the brown stone facade which seems to dominate that corner. Applicant has agreed to, during the course of construction, work with different solutions to try to reduce the appearance of the overall height and breadth of the brown stone through use of water tables, different patterns, or other decorative finishes at the location. If during the construction of the property the Applicant has any questions or needs the flexibility to change the design of such stonework on the main street, he shall

call the Building Department which will arrange to meet at the site to modify the acceptance of the existing plans and permit flexible design finishes.

With respect to the landscaping, the applicant suggested light poles or other streetscape type finishes on the front of the building and the Planning Board was receptive to adding the streetscape type lighting as suggested by the Planner. Again, as the job progresses, the applicant shall contact the Building Department to facilitate design flexibility by permitting members of the Planning Board to comment and accept modifications to the front Midland side streetscape, particularly lighting additions.

Architect also provided the elevations for this particular streetscape and it does not appear any larger or taller than any of the surrounding edifices. We have preserved on street night time parking and the Village Board should relax the evening parking regulations in this district

Public Comment - none--

BOARD-- Although we are moving toward the final lighting, landscaping, village engineer, traffic consultant, and other comments about parking, storm water, site lines, etc. the plans are not complete. Building Department has the authority to move forward with a Neg Dec on SEQRA and final site plan approval.

BOARD-- Hearing remains open to accommodate changes and final comment.

OTHER BUSINESS-- Motion to adjourn by Chairman Klose, seconded by member Voletsky - passed by a vote of 5-0. Meeting adjourned at 9:55 pm.