

## **RESOLUTION**

### **VILLAGE OF NYACK PLANNING BOARD**

**Adopted November 7, 2016**

**RE: Nyack Hospital Emergency Department and Medical Village  
160 North Midland Avenue  
Resolution of Site Plan Approval**

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

WHEREAS, on July 1, 2016, a site plan application was submitted to the Planning Board of the Village of Nyack (“Planning Board”) by Nyack Hospital (“the “Applicant”), (all references to which shall include and be binding upon the Applicant’s successors and/or assigns), to construct a two story addition and a new four story stair tower for the purpose of modernizing and reconfiguring their existing Emergency Department and developing a new Medical Village. The Emergency Department is currently located on the Ground Floor of the Doctors Building on the east side of the Hospital campus. The expansion and modernization would be done through a phased alteration and expansion program. The proposed new Medical Village would be built as an addition above the expanded Emergency Department. The purpose of the project is to better manage visits to the Emergency Department through improved facilities and the provision of alternative treatment options via the Medical Village. No additional beds are included and Emergency Department staffing will remain unchanged. The existing Emergency Department, including the existing Hospital Lobby comprises approximately 15,750 square feet. Additionally, there is a side yard area located on the North side of the Doctors Building, Ground Floor capable of supporting an 8,500 square foot building expansion added to the existing structure. The Applicant is proposing a number of key improvements that will enhance the drainage, onsite traffic circulation and overall site aesthetics. These improvements reconfigure the site access, parking, pedestrian walks and changes to the grading and drainage along the east side of the hospital.

The project will also include drainage improvements and has been designed to meet New York State Department of Environmental Conservation stormwater regulations for water quality and water quantity. The project will include the construction of two rain gardens, three underground infiltration chamber areas and will include porous pavement. The project will connect to the existing site drainage systems and will maintain or improve pre-development drainage discharge in all locations. The Project is identified on the tax maps of the Town of Orangetown as Section 66.21 Block 1, Lots 71, 72,73, 74-1 and 74-2; 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 July 25, 2016, 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 September 12, 2016 to consider the proposed action's environmental impacts; and

WHEREAS, a duly advertised public hearing was opened on the Application by the Planning Board on September 12, 2016 and continued on October 3, 2016 and closed on November 7, 2016, 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 Traffic Consultant retained by the Village:

***Drawings***

The following engineering, stormwater and landscape plans were prepared by LRC Group dated August 22, 2016 and revised October 21, 2016 for the Nyack Hospital Emergency Department and Medical Village unless otherwise noted and are part of the approved plans:

- *DM-1* “Demolition Plan”
- *SP-1* “Site Plan”
- *SG-1* “Site Grading Plan”
- *SD-1* “Site Drainage Plan”
- *LL-1* “Landscape Plan”
- *LL-2* “Landscape Elevation”
- *LP-1* “Lighting Plan”
- *NS-1* “General Notes”
- *DN-2* “Site Details”
- *Landscape Exhibits:*
  - *LX-1* “Key to Activities Performed Summer & Fall 2016”
  - *LX-2* “Installed Shrubs on Fifth Avenue”
  - *LX-3* “Installed Shrubs on Sickles Avenue”
  - *LX-4, LX-5 and LX-6* “Representative Images of Trees & Selected Shrubs”

Architectural Plans entitled “*Nyack Hospital*” prepared by Pomarico Design Architecture Studio, PLLC, dated August 19, 2016, sheets A4.1 through A4.7, A7.0 through A7.8.

*Stormwater Pollution Prevention Program (SWPPP)* prepared by The LRC Group, dated August 22, 2016.

### ***Environmental Forms***

- *Coastal Assessment Form (“CAF”)* dated 8/19/16.
- *Short-Form Environmental Assessment Form – Part 1 (“EAF”)* dated 8/22/16.
- *Short-Form Environmental Assessment Form – Parts 2 and 3* prepared by the Village Planner for the Lead Agency, the Village of Nyack Planning Board dated 11/1/16.

### ***Meetings***

- *Technical Meeting between Village of Nyack Staff (Village Planner, Village Engineer and Building Inspector) and Applicant’s Engineer and Landscape Architect to discuss landscaping, lighting, drainage and engineering issues. Traffic Study and Site Plan Issues, September 27, 2016.*

### ***Correspondence/Reports/Memorandums***

- Philip Grealy, Ph.D, PE, *Access & Circulation Review, Nyack Hospital – Midland Avenue Access*, Maser Consulting P.A., September 20, 2016.
- Philip Grealy, Ph.D, P.E., *Supplemental Information – Nyack Hospital*, Maser Consulting P.A., November 2, 2016.
- Michael Galante, EVP, *Site Plan Review – 160 Midland Avenue, Nyack, N.Y.*, Frederick P. Clark & Associates, Inc., November 1, 2016.
- Michael Galante, EVP, *Traffic Operations Sightline Issues – North Highland Avenue at Fifth Avenue and 6<sup>th</sup> Avenue, Nyack, N.Y.*, Frederick P. Clark & Associates, Inc., July 15, 2016.
- Eve Mancuso, PE, *Memorandum: Site Plan Review, Nyack Hospital – Emergency Department and Medical Village, September 9, 2016*, Brooker Engineering, PLLC.
- Henry Thomas, RLA, *Letter to Building Inspector with Summary of Responses to Comments Received from the Rockland County Division of Environmental Health in a letter dated August 2, 2016*, The LRC Group, October 21, 2016.
- Henry Thomas, RLA, *Letter to Building Inspector with Summary of Responses to Comments Received from Eve Mancuso, Village Engineer, Brooker Engineering, PLLC in a letter dated September 9, 2016*, The LRC Group, October 21, 2016.

- Rodney Morrison, P.E., *Letter to Building Inspector with Summary of Responses to Comments Received from Department of Environmental Management and Engineering Town of Orangetown in a letter dated August 5, 2016*, The LRC Group, October 21, 2016.
- Henry Thomas, RLA, *Letter to Building Inspector with Summary of Responses to Comments Received from the Rockland County Department of Planning in a letter dated August 18, 2016*, The LRC Group, October 21, 2016.
- Rodney Morrison, P.E., *Letter to Building Inspector with Summary of Responses to Comments Received from Rockland County Department of Health in a letter dated August 2, 2016*, The LRC Group, October 21, 2016.
- Rodney Morrison, P.E., *Mosquito Breeding Suppression Plan for Nyack Hospital – Emergency Department and Medical Village*, October 21, 2016, The LRC Group.
- *Supporting Documents addressing comments from the public and the Nyack Planning Board September 12, 2016 and October 3, 2016*, Nyack Hospital Administration, October 21, 2016.
- Albert Maniscalco, *Nyack Hospital Generator Noise Review C&A Proposal #16-08849*, Cerami & Associates, September 12, 2016.
- Victor Clemente, *Nyack Hospital Ambulance Backup Alarm Noise Review, C&A Project #30312*, Cerami & Associates, November 3, 2016.

**WHEREAS**, on July 20, 2016, the Village of Nyack Architectural Review Board reviewed the project which received general approval but application remains open. Applicant will need to return to the ARB for further review relative to lighting concerns and will need approval prior to obtaining a building permit.

**WHEREAS**, Applicant has hired an acoustic engineer, Cerami & Associates, which has provided a review of Ambulance Backup noise in a letter to Applicant's architect dated November 3, 2016 and provided to the Planning Board. The acoustic engineer also evaluated the proposed generator in a letter dated September 12, 2016 which estimated that the resulting sound level at the nearest property line will be approximately 45dBA. This complies with the Village of Nyack's noise ordinance. Additionally, the Hospital met with the neighbor to address the continuous 65dB noise when temperature is above 65 degrees. It was found by the Hospital maintenance staff and the Building Inspector that the noise was emanating from a HVAC rooftop unit on a commercial structure along Rte. 9W in the vicinity of the neighbor's residence.

**WHEREAS**, on or about November 7, 2016, 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, 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**, the Planning Board after having reviewed the Coastal Assessment Form determined on November 7, 2016 that the Project is fully consistent with the policies of the Village's Local Waterfront Revitalization Program ("LWRP") pursuant to Chapter 342 of the Village Code; 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 Nyack Hospital to reconfigure and expand its Emergency Department and develop a new Medical Village by constructing a two 2 story addition and four story stair tower at the premises known as 160 Midland Avenue, Nyack, NY as reflected on the set of approved plans listed above including the site plan dated August 22, 2016 and revised October 21, 2016 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. The Applicant shall obtain all required state, county and local permits and approvals including any required permits from the NYS Department of Transportation.

3. Prior to the issuance of a building permit (with exception of a foundation permit), a *Stormwater Management Agreement* for the stormwater management facilities related to the development of the Nyack Hospital Emergency Room expansion and addition of a Medical Village at 160 Midland Avenue, in form satisfactory to the Village Engineer and Village Attorney, shall be fully executed and submitted to the Building Department with proof that the Agreement has been submitted for recording in the Rockland County Clerk's Office.

4. Prior to the issuance of any certificate of occupancy, the Applicant shall submit to the Building Department a copy of the fully executed *Stormwater Management Agreement* with proof of its recording in the Rockland County Clerk's Office.

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. As described in the approved *Landscaping Plan* prepared by LRC Group dated August 22, 2016 and revised October 21, 2016, all landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season at the owner's expense. Landscaping shall be maintained for the life of the facility.

7. The Board's Traffic Consultant also reviewed sight lines and made recommendations including bump-outs on Midland Avenue at each of the three driveways and relocating the Hospital Sign out of the sight triangle at the North Highland/Fifth Avenue intersection as well as pruning shrubbery at the same location in order to improve sight distance. These recommendations are shown on the marked up exhibits (Exhibit 1A, 1C and 5) attached to the Frederick P. Clark and Associates *Site Plan Review* report dated November 1, 2016. It is recommended that any spaces eliminated on Midland Avenue near the access drives be replaced on the Hospital property to the maximum extent feasible.

8. The Hospital shall provide **expanded valet parking for patients, employees and visitors on weekdays and weekends** to shift the burden of parking demand from local neighborhood streets to the Hospital property.

9. Hospital shall establish Community Liaison with links and direct phone numbers listed on web-site to address local resident concerns.

10. Applicant shall implement Dusk to Dawn timing and shutters for clear story lighting and maintain such shading to prevent excess light pollution from second floor offices, with the lights to be timed with the shutters.

11. The Hospital has committed to conducting quarterly community forums to review parking and other Hospital issues and at a minimum shall conduct such community forums during the construction phase and for an additional 12 months after construction is completed.

12. Prior to the issuance of a building permit, the sewer design and details will shall be reviewed and approved by the Town of Orangetown

Sewer Department and any required Rockland County Health Department approvals shall be obtained.

13. A Stormwater Pollution Prevention Plan (SWPPP) has been provided to the Village Engineer for review and approval. This has been prepared, signed and sealed by PE and reviewed by Village Engineer. ***Building Inspector should obtain a letter of approval from the Village Engineer prior to issuance of building permit.***

**NOW BE IT FURTHER RESOLVED** that the recommendations of the Rockland County Planning Department set forth in the General Municipal Law Review letter dated August 18, 2016, have been accepted except that the Planning Board overrides the following recommendations:

1. Paragraph #1 regarding New York State Department of Transportation review to the extent that are superseded by the approval granted herein, are done so for the reason that the Planning Board has required as a condition of approval that the Applicant will need to obtain any required approvals from NYS DOT. The Planning Board also notes that the application was forwarded to the NYS DOT several months ago with no response forthcoming. It also does not appear that there is any formal action required by the NYSDOT based on the location of the project work and reuse of existing curb cuts.
2. Paragraph #2 regarding parking requirements to the extent that they are superseded by the approval granted herein, is done so for the reason that the Application meets the Village's parking requirements and that the Planning Board believes that the traffic study submitted by the Applicant, the review by the Village's traffic consultant, and the conditions of approval provide for expanded valet parking, employee decal parking and the additional off-site parking being provided adequately address the concerns for neighborhood residents.
3. Paragraph #6 regarding comment from Rockland County Department of Health for a submission of a Mosquito Suppression plan to DOH is superseded by the approval granted herein, to the extent that the Applicant has prepared and submitted a Mosquito Breeding Suppression Plan dated October 21, 2016 and provided a compliant plan to RC DOH.
4. All other recommendations have been included on the site plans or have otherwise been provided by the Applicant as part of the Application.

VOTE:

Ayes: Klose, Voletsky, Jean-Gilles, Englander and Kestenbaum

Nays: None

PLANNING BOARD

Village of Nyack

Date: November 7, 2016

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Peter Klose, Chairman