

Members Present:

Peter Klose (Chairman)
Daniel Jean-Gilles
Ted Sestak
Peter Voletsky
Don Hammond
Alternate: Alan Englander

Also Present:

Chief Building Inspector: Don Yacopino
Village Attorney: Walter Sevastian

- 1) ***42 Main Street. Sage Management. Continuation of application to amend previously approved site plan. Original proposal was to connect on-site drywell overflow drain to Main Street storm drains which were presumed to exist. It has been determined that there is no Main Street drainage system between Broadway and Gedney Street. No new information submitted. No comments received from Village Engineer.***

Don Koplowitz – architect – represented the applicant Mr Koplowitz states that the drainage system was built to handle 80% greater capacity than required. The Village Engineer says the Planning Board needs to make a recommendation to allow the applicant to keep the drainage plan as is.

Walter Sevastian suggested that the applicant needs someone familiar with drainage to state you do not need to make hook up to drain down the street. Peter Klose– Have the architect (Don Kolowitz) state the analysis was for 25 year flood and the need to tap into drain down the street is excessive (300'-400' run) Peter V – what if massive storm, what is impact? Don Yacopino - Water runs into catch basins below. Applicant responds that it will take 7"+ rain to overflow the retention system as built. Even when the system does overflow, water will flow into other storm drains.

The Planning board is reluctant to grant a waiver with a professional opinion from a qualified expert that provides more clarity to the issue of what happens if the existing system overflows in an abnormal more than 25 year storm. We have requested the Applicant to obtain some sort of letter from the Village Engineer expressing: Verify existing calculations by the Applicant and confirming agreement with them.; State what level storm creates an overflow situation, and opine whether it will have a negative impact on the existing conditions. The Planning Board notes that the existing conditions during heavy storm run off are quite extensive. It is the Applicant's view that the overflow condition caused by a severe storm would be only a small impact given the amount of water cascading down Main Street during heavy abnormal storms.

The applicant was asked to come back with the Village Engineer's response to that letter

- 2) **21 Burd Street. Robert Silarski for Tappan Zee Seaport Inc.** *Application to demolish existing planter abutting building (already done), widen walkway adjacent to building to extend restaurant use, construct stairs at south end of building, add awnings above doorways on east façade, erect new guardrail and install new lighting fixtures. Structure is built on property lines. Proposed work is not code compliant since it is to be constructed entirely on Village property. Planning Board approval as well as Village Board approval in the form of an amendment to Special Permit issued by V.B. in February 1998 and amended September 6, 2007 is required. The Village Board has allowed this project to proceed to the Land Use boards and is seeking their input. This project received approval from ARB on January 19, 2011 with the suggestion to make walkway a public sidewalk. It is not known if the V.B. has any interest in that suggestion. Several issues will need to be dealt with at Planning Board and Village Board. For example: a) Difficulties with snow plowing pattern of DPW and proposed stairs. b.) should bollards or railing be placed at bottom of Spear around proposed stairwell? c.) lighting intensity, shielding and hours of operation.*

Lighting information and copy of Lighting Regulations §59-5.10 included.

Bob Silarsky – Architect with S&Co GM Nyack Seaport – Valictie Rubino stated that the eastern side Nyack Seaport – eastern wall of bldg on Village of Nyack property. They have removed planter and now the plan is to build a new walkway adjacent to the building, which has its wall on the property line. Applicant states that the new walkway will provide the possibility for bar tops, not tables, and that the width of this new space will be approximately eight (8') feet. Walter Sevastian stated that the trustees did not approve use for space other than walkway (No Tables or outside seating had been discussed or approved). Walter stated that owners need to get a licensing agreement from the Village for purposes other than a walkway, and underscored that such license agreement would address things like use of the public space to be created, including no amplified music, hours of operation, and other similar conditions.

Don Yacopino stated- ARB wanted this to be a public walkway. Peter Klose– has concerns about tables/bar tops outside because this area may not be easily enforced, and because it may create a different use than exists without real input from neighbors.

Walter Sevastian– Concern that this is a plan for usage of VON property. This is a major use of Village property. Applicant needs to get permission from VON for this use, and will need appropriate amendments to the liquor license and the Existing license agreement with the Village.

Don Yacopino– says there is a special permit for the restaurant (2 Spear St)—This should be presented to the Village Board and understood before final approval by the Village Board and the Village Attorney.

Walter – Does this meet the specifications of a public sidewalk? Don Yacopino says this has not been analyzed as a village sidewalk. Among the standard for a sidewalk is there needs to be 5 feet of space to move through. – This would cut down on the ability to put tables or bar tops outside. Walter Sevastian – What is the current lease of Nyack Seaport? Applicant stated there are 10 more years.

Other issues discussed:

a) Plowing on Spear Street- concern about how snow is removed. Seaport has no problem keeping the same procedures as today.

b) A breakaway stop on Spear Street was suggested in the event a car moved out of control down Spear Street – There is highway railing at the end of Spear Street now, but nothing protecting the new stairs proposed. It was discussed that the current barrier provided adequate protection..

c) Lighting – Planning board approves the lighting plan in the above drawings dated 12/23/10, updated Jan 21, 2011 and labeled a101.

Move to close public hearing by Peter Voletsky. Second by Don Hammond – passed 5 -0

Klose moves to issue a Positive recommendation to the Village Board for having the walkway open from the end of Spear Street to Burd Street, improving walkway as proposed by drawings dated 12/23/10, updated Jan 21, 2011 and labeled a101 with recommendations as such:

- a) The Village of Nyack must be consulted and appropriately agree to a license agreement or any modifications of the existing Special Permit before the final use of the walkway be granted, particularly considering the licensing agreements to place tables on what will be a public walkway, amplified music, etc..
- b) Both ends of the walkway shall be left open to encourage additional and better access to Marina from Spear and from Burd Steed for pedestrian access(no gates).
- c) That the stairs be constructed to necessary codes with lighting as necessary.
- d) In the event the Village Board approves tables on this walkway, that typical conditions such as no amplified music be permitted
- e) The lighting be operated from dawn to dusk and be positioned so as to cause no undue light spillage on neighboring properties.

Motion by Peter Klose, second by Daniel Jean Gilles, passed 5-0

Other Business

Motion to approve Jan, 2011 minutes by member Jean Gilles. Second by Klose. Passes 4-0.

Meeting adjourned 8:43 pm