

Members Present:

Peter Klose (Chairman)
Daniel Jean-Gilles
Peter Voletsky
Allan Englander – alternate member
Donald Hammond

Also Present:

Don Yacopino, Building Inspector
Walter Sevastian, Village Attorney

Absent: Ted Sestak, Glenn E. Keene - alternate member

Called the meeting to order at approximately 7:30 p.m. Alternate Englander sitting in.

- 1. 160 North Midland Ave. Dennis Lynch for Nyack Hospital. Application for a fourth floor addition on west side of building, made during the pendency of a for a text amendment to the Zoning Code-referred to Planning Board by the Village Board- to reinstate Hospital zoning district eliminated by enactment of revised Zoning Code, January 1, 2010, placing hospital in TFR zone.***

Background - Building Inspector1. With the adoption of current zoning ordinance, Hospital zone was eliminated, with hospital being placed in TFR zoning district as a nonconforming use. An area variance is required from VON§360-1.9D (1) which states that any nonconforming use “shall not be enlarged, extended, reconstructed or placed on a different portion of the lot, nor shall any external evidence of such use be increased by any means whatsoever.”

Applicant is seeking a fourth floor addition and recommendation to Zoning Board of Appeals. ARB reviewed proposal the 5/18/2011 and was not opposed to the addition. Applicant was requested to return to ARB with revised materials and window treatments. Included the 1997 Planning Board approval document, with its focus on parking issues, along with 1997 Lot and Bulk analysis. A letter from the applicant’s attorney, dated May 23, 2011, addresses the discrepancy between 375 beds in 1997 and 220 “active beds” today, as well as the discrepancy between 642 proposed parking spaces in 1997 and existing parking of 592 spaces. In any case, applicant demonstrates a surplus of parking spaces for 220 beds and 600 employees. Application has been forwarded to

| R.C. Department of Planning—Response dated June 6, 2011. Applicant has agreed to address and incorporated all of such items. Member Klose indicated the notes about the Tax Maps

| NYSDOT June 6, 2011 response. Applicant indicated that given the legal posture of this case, the variance will not be need.

Awaiting the Comments from the Village Engineer.

Dennis Lynch representing Nyack Hospital. Indicated that they are proceeding under the TFR zone. Requests that we deal with the planning issues and not the emotional issues, including the fact that this is a “lock down” mental health facility.

New building area will be on the Route 9W (Highland Ave) side behind the main hospital building. Addition of 26 beds to be added for psychiatric services. 11 intensive care beds will be moved to the 4th floor.

Mechanical pods will remain on the top of the new addition enclosed in the same manner currently.

TFR variances—since the old code was eliminated need a variance for increasing the non-conforming use by less than 2%.

Consideration of various issues:

Village Engineer –

Discussion from various PB members.

Daniel Jean-Gilles – Non conforming use in a TFR Zone. Need for variance if you are increasing size of nonconforming use. Are we in H Zone? Today, the law has been sent to Albany for codification.

Don Hammond -

Peter Voletsky -

Alternate-- Alan Englander - [No further comment at this time. (ALE 7/13/2011)]

Peter Klose—explained the process, called the various members of the public to speak—explained that the present application appears to decrease the needed parking as 11 administrative posts would be leaving the Hospital. Parking analysis is available to the Public. Invited the objecting parties to participate in the committee to re-assign and regulate parking.

Public Comment –

Robert Monahan—part of the dispute which arose in 1997 with the expansion of the Cancer Center-- agreement to build on same foot print. Housing owners were not notified of the Zoning change. Feels the hospital is being predatory and not fair to the community. This is the second unit moved from Pomona. Told story of recent problem with a security issue. Why is Nyack always a social service “dumping ground for mentally ill?

Urban setting this will lower housing values, what happens when patients are discharged. There is a parking issue. This will make it worse.

Susan Dizinni – 6:15 am this morning issue of security for home child care. Police outside her place of day care this morning.

Mary O'Brien: 32 beds in Pomona should all be moved to Nyack. Move of units from Hudson facility in Poughkeepsie to Rockland Psychiatric adds to the need for more units.

Michael Dizinni – Has questions about the lot coverage viewpoint. Please look at the code requirements. Claims of no parking problems are ridiculous. Chairman Klose explained the parking requirements from the code. Question of where people park is to be addressed by the Village board.

Elise Berg: Part of the agreement was for the hospital to keep up landscaping, and cleanliness of site. Agreements are not being kept. Curbs are not high enough silt shows up when heavy rain. Nyack Hospital does not live up to what they say. How many employees are there in the Cancer unit Agreement was for no more than 2-3 patients or 5 staff. Should revisit the landscaping issues from original process.

Mary O'Donohue **Where is this parking and are they really using it?** Response: The two main parking lots.

John: Concerns for the security of the neighborhood. Is this a lockdown? Yes. Concern for type of patients.

Response from Atty Lynch: Hospital has sold property and is not being aggressive. Ms. Dizinni's issue should be part of the committee with the Village Board to deal with these issues. We will comply with state required security issues.

Resolution to close public hearing with respect to the present application for a recommendation to the ZBA on the area variance from the non-conforming use increase: Public hearing be closed with the *proviso* that the public hearing will be reopened when the Hospital Zone is recodified and the applicant continues to deal with the planning issues for the site and the PB again under the H zone. Moved by: Klose: Second: Englander - passes 5-0.

Planning Board and Applicant agreed that the applicant will review the existing landscaping plans, parking protocols and update landscaping plan to address dead plantings and litter patrol, parking issues and security plan. Building inspector will verify bulk statistics.

NO SITE PLAN APPROVAL at this time.

2. 32 Front Street. Jane Slavin for Wesley and Ruth Chin. Application for an addition to an existing dwelling and recommendation to Zoning Board of Appeals.

Building Inspector-- Site plan application for a second floor addition and request for recommendation to Zoning Board of Appeals. Application requires three variances: 16.1ft front yard where 25ft. is required; 3 ft. minimum side yard where 5.22ft. is required; 13ft.5in. combined side yards where 15ft.6” is required. Applicant received conditional approval of proposal and positive recommendation to Zoning Board of Appeals May 18, 2011.

Public comment. No comments

Motion to close public hearing by Peter Klose, second by Alan Englander. . Passes 5-0

Motion by Chairman Klose - For the Planning Board to make a positive recommendation to the ZBA to recommend the approval of the second story addition requested because it appears that the existing conditions will not be significantly altered (they are existing non-conformities); it appears that the adjoining properties have similar front and side yards the recommended variance appear to be based upon similar lots in the neighborhood, similar setbacks, no height variation no detrimental effects on adjoining properties similar in nature. Second by Member Voletsky. Passes 5-0.

Motion by Chairman Klose makes the motion to grant preliminary Site Plan approval for the plans and specifications entitled Proposed Building Elevations and dated April 18, 2011, provided that the applicant consent to down facing exterior lighting which has no impact upon the neighbors, provided tree protection schematics and plans to protect the existing landscaping during the construction; and subject to reasonable conditions imposed upon the applicant by the ZBA and the ARB. Seconded by Hammond, vote 5-0.

Other Business:

A motion was made by Chairman Klose, seconded by Member Voletsky, to accept the minutes of the May 2, 2011 Meeting Planning Board meeting. The motion passed by a vote of 4-0. The meeting adjourned at 8:55 PM.