

**Members Present:**

Peter Klose (Chairman)  
Daniel Jean-Gilles  
Glen E. Keene  
Peter Voletsky  
Alan Englander

**Also Present:**

Walter Sevastian, Village Attorney  
Don Yacopino, Building Inspector  
Bob Galvin—Village Planner (present)

**Absent:**

**1. 400 High Avenue. John Meyer Consulting, PC for W Y Management, LLC. Request for approval of Traffic Engineering Scope of work in connection with proposed hotel.**

There is a complaint letter from Feerick Lynch relative to several local residents objecting to the notice of the site. We have no Application Pending, and no Applicant has appeared tonight. Matter is tabled for receipt of the application.

**Public--** None

**BOARD--** NONE

SEQRA-- this is an unlisted action-- needs to have an EAF-- Planning board has adopts the foregoing resolution.

**2. 220 Main Street. Barry Terach for Joseph Lagana's Glenmare. Continuation of site plan application for demolition of existing building and construction of mixed use building, and recommendation to ZBA.**

As this is a major project, we have aligned the discussion with the points raised by the various professionals

*Building Inspector-- Main Street portion of property is in DMU Zoning District, parking lot is in TFR Zoning District.*

*a. Copy of original survey referenced in notes has been supplied, however numerous submitted documents, as recent as 12/17/2012 reference three separate lots at this site, causing confusion.*

**Planning Board --Applicant has supplied another version**

*b. Permitted density is 30 du/acre, resulting in 27 dwelling units permitted for this property. Applicant is seeking a total of 34 du's-(16 existing, plus 18 proposed). An area variance is required from Article IV VON§360-4.3 Dimensional Standards Table 4-1 to permit 34 dwelling units where 27 dwelling units are permitted.*

*c. The Affordable/Workforce Law applies to this project but has not yet been addressed.*

**Planning Board-- Tabled for further discussion with the Village Board-- applicant will decide on the applicant's proposed number of units and confer with Village Board as to Affordable Housing**

- d. *The parking lot bordering Catherine Street is a preexisting nonconforming use in the TFR Zoning District which, per VON§360-1.9D may be continued. Provisions of VON§360-4.5 PARKING and LOADING appear to have been complied with, but see Village Engineer's comments #15 and #18.*
- e. *This application represents the result of an October 11, 2012 pre-application meeting with PB, ARB, and ZBA.*
- f. *Drainage information has been submitted from Pietrzak & Pfau Engineering and Surveying, PLLC, dated December 28, 2012.*
- g. *Proposal received conditional ARB approval at December 19, 2012 meeting, however the ARB opted not to offer any recommendation to the Zoning Board of Appeals.*
- h. *Village Engineer's Comments included.*

*Village Engineer-- review of "As Built Survey of Property for 222 Main Street", prepared by Jay A. Greenwell, PLS, dated 10/03/08, 1 sheet.*

*Architectural Elevations entitled "Proposed Building 222 Main Street", prepared by Barry Terach Architects, undated and unsigned, 1 sheet*

*Site Plans entitled "Glenmare Apartments", prepared by Pietrzak and Pfau, dated 12/17/12, 5 sheets.*

*Stormwater Narrative, prepared by Pietrzak and Pfau, dated December 28, 2012.*

*All plans and submissions should be signed and stamped by the professional preparing them.*

*The scope of work for the project includes the demolition of an existing one story warehouse structure and the construction of a three story mixed use structure. A portion of the structure, 1212 SF, is proposed to be a retail use and the balance of the structure, 21,288 SF, is proposed to be a residential use.*

*Village Engineer- offers the following comments for your consideration:*

- 1 *Clarification is needed regarding the disposition of Pond Road and Mill Street. The As Built Survey says "former Pond Road". The Site Plan continues to label this parcel of land as Pond Road. Has Pond Road been officially vacated? What is the current status of Mill Street. The specific conditions and/or language of all utility and access easements shall be submitted.*

**Planning Board-- Pond Road-- History Laura Weiss- no maintenance undertaken by Village - ?? owned pond road- statement was also understanding of permanent easement-- maintenance-- as it existed-- village is looking for an easement to work on the property to repair the culvert**

**Applicant will give access to Mill Road ??- easement with indemnification to maintain the storm system by NOTE. This will be updated by the Applicant and the Village Attorney.**

- 2 *The subject property falls within two Zones; the southern portion of the property along Main Street which contains the bulk of the structure is in the DMU Zone. The northern section of the property along Catherine Street which contains the parking lot and a small portion of the structure is in the TFR Zone. In accordance with Section 360-2.2 C of the Village Code, the zoning of the less restrictive portion should not extend into the more restrictive portion of the lot. The subject application is developing the full parcel under the DMU requirements which is less restrictive than the TFR Zone . This should be addressed.*

**Planning Board--Building Inspector has determined that the parking lot is pre-existing non-conforming use -- so this is resolved.**

- 3 *In accordance with the Village Code Section 360-2.4 B 2 (a) the DMU Zone is to “encourage the development of multifamily residential units above the first floor”. The non-residential first floor component shall be a minimum of 25 twenty five feet deep. The applicant is providing the minimum amount of retail space per code.*
- 4 *In accordance with the Village Code Section 360-2.4 B 2 (b) the proposed building does not have a pedestrian entrance on the front façade of the structure but is providing for an angled entrance. The code allows for an angled entrance for corner properties. As it appears Pond Road has been vacated this is no longer a corner property, thus the corner entrance would not apply to this building. This should be addressed.*

**Planning Board--ARB likes the angled entrance-- pre-existing use of the corner of the building. One way the applicant is getting better use of handicapped entrance.**

- 5 *In accordance with Village Code Section 360-2.4 B 2 (e) sidewalks are required to be constructed continuous through the drive. There is no proposed on site sidewalk. This should be addressed.*

**Planning Board--Fire Code requires that there be a minimum of 20 feet -- 2 feet planting bed - and 3.5 minimal sidewalks with minimal mountable curbs. The Applicant is going to meet with the Fire Inspector and the Parking Consultant.**

- 6 *In accordance with Village Code Section 360-2.4 B 3 there are certain bulk and density incentives that may be available for those proposed developments within the DMU Zone through a Village Board action. The application appears to be seeking such incentives though this is not specifically noted on the plans. If this is the case the applicant should discuss the specific public benefit features which would be implemented with the development of this site.*

**Planning Board--Tabled.**

- 7 *The access drive to the site is labeled as (2) two (10) ten feet wide lanes for a total of (20) twenty feet wide. No shoulders or pedestrian access walks are proposed. The architectural plan notes three entry doors and a landscaped bed along the west of the drive. There are three existing parallel parking stalls along the east of the drive. Thus all pedestrians entering the site must walk within the active drive lanes. We believe this is a safety issue and recommend sidewalks be incorporated into the site design throughout the proposed development.*

**Planning Board--applicant will maintain the twenty feet and put in the raised sidewalk**

- 8 *As previously stated above the proposed access drive is labeled as (20) twenty feet wide. This represents a substantial reduction in width of 29 % twenty nine percent or (8) eight feet from the existing (28) twenty eight feet wide access. A vehicle wheel turning radius template should be applied to the plan to demonstrate the largest vehicle that could readily access the site and continue down Mill Street.*

**Planning Board--TBD**

- 9 *The aisle width on the north side of the structure should be measured to the most restrictive point which is the face of the entry portico not the curb. One way counter clockwise circulation through the parking lot appears to be more appropriate due to the restrictive aisle widths.*

**Planning Board--To Be Addressed**

- 10 *The one way access drive exiting onto Catherine Street should be a minimum of (12) twelve feet with a preferred width of (15) fifteen feet. The proposed plan indicates a reduction in the drive width from the existing (19) nineteen feet wide*

*drive to (10) ten feet wide drive. A (10) feet wide drive especially with curbside parking on the west side of the drive and an existing fence on the east, is too restrictive. We recommend the fire department review the plans and comment on acceptable minimum widths for fire safety and access.*

**Planning Board--Fire Department --wants emergency access to the rear driveway all three parking spots need to be eliminated-- this will affect the parking lot (count) - the Building Inspector to seek further clarification-- Applicant will meet with applicant and the fire department to decide.**

*11 All vehicles entering the parking area will travel over what was previously known as Pond Road. This area was previously gated and thus prevented the flow of through traffic. The sight lines at the intersection of Mill Street with the proposed entrance drive should be provided. Due to the existing narrowness and steep grades on Mill Street combined with the increase in the number of vehicles traveling through this intersection, we foresee this intersection to be a potential point of vehicular conflict. We recommend traffic control signage be considered.*

**Planning Board--Applicant will escrow for update of old traffic-- old Adler survey of the traffic study**

*12 The proposed building is in conflict with the existing sanitary sewer main which traverses the site. The sewer main should be re-located.*

**Planning Board--Applicant will discussing it with the engineer**

*13 The Site Plan should be revised to reflect the utility information provided on the As Built Survey as well as revised to be consistent with the Architectural Plans.*

**Planning Board--Utility plan to be supplied and updated**

*14 The limits of curb and sidewalk replacement on Main Street and on Catherine Street shall be clearly shown on the plan.*

**Planning Board--Applicant not disturbing this and will report back -- Applicant will be responsible for all sidewalks along the property-- report back as to the condition of the adjoining sidewalks and will upgrade as appropriate.**

*15 A Landscape Plan has been provided indicating the removal of pavement within the site and the introduction of planting beds. We recommend the planting beds*

*be designed as mini rain gardens with gaps in the perimeter curbing to allow infiltration of stormwater runoff into the beds.*

**Planning Board--Applicant Agrees to install-- pervious service wherever possible. Planning Board would like to see the benefit of as many Stormwater practices as possible. Particularly the pervious pavement in the parking lot.**

*16 The location of the existing stormwater culvert which traverses the rear parking area should be confirmed and the proposed maple trees relocated accordingly if need be.*

**Planning Board--Applicant will look at that-- and make reference to the culvert, including its condition through the site.**

*17 The Stormwater management report provided indicates a disturbance of less than (1) one acre and an overall reduction in impervious area. A SWPPP is not required.*

**Planning Board--Despite the fact that there are no regulations, the Applicant intends to make this property better in terms of storm water maintenance, and will update the plans.**

*18 The introduction of pervious pavement for portions of the parking lot should be considered to reduce the amount of Stormwater run-off generated from the expanse of paved areas.*

**Applicant can do some pervious services-- Agrees to remedy this comment and provide revisions to the site plan-- within the parking spaces**

*19 Standard soil erosion and sediment control measures shall be implemented and maintained throughout construction.*

*20 The surface treatment within the (5) five feet side yard setback should be noted. We recommend this be a pervious treatment.*

*21 The Lighting Plan indicates building mounted lights as well as a light pole within the parking area. The building mounted lights along the east face of the structure appear to spill onto and into the adjacent residential structure to the east. All proposed lighting should be aimed downward with the ability to be shielded to prevent trespass of light onto adjoining properties.*

**Planning Board--To be shielded and down facing**

*22 The light pole height should be reduced to (12) feet maximum to be consistent with the Village Code Section 360-4.10 B (2).*

**Planning Board--Done**

*23 The exit drive onto Catherine Street does not appear to be sufficiently illuminated.*

**Planning Board--Not an Exit-- engineer to give turning radius and at the corner on the parking lot.**

*24 The isolux footcandle contours is noted as .5 foot candle which is acceptable for a residential application.*

*25 The intensity of lighting appears to be too high (1000 watt light fixture for pole, 150 watt fixture for wall mounted lights) for a residential application and should be confirmed.*

**Planning Board--to be adjusted**

*26 Details of the trash enclosure shall be provided.*

*27 How will mail delivery be handled? Is a mailbox cluster proposed?*

*28 We are not in receipt of a Part I SEQR document. This should be submitted.*

*Village Planner (Galvin) The subject property at 220 Main Street (the Glenmare) is in a DMU zone located at the intersection of Main Street and Pond Road. Pond Road is a private road owned by the applicant. Immediately south of the subject property is the 16 unit Adair rental development developed by the applicant. Adjacent to the north of the proposed rental project is an existing parking lot in a TFR zone. The parking lot, which borders Catherine Street, covers a portion of the Nyack Brook. The total lot area consists of 40,099 square feet. This total consists of 5,033 square feet which includes the area covered by Pond Road. The parcels that include the adjacent Adair complex, the parking lot and parcel proposed for new residential construction have been combined based on information from the Town of Orangetown Assessor's office.*

*The total lot area includes the 16 unit Adair rental development and the proposed 18 unit new rental building. This totals 34 units. The maximum density for the total property is 27 units. This will require a density variance from the Zoning Board of Appeals. The property is also under the newly enacted Affordable Housing section of the Village Code. This requires 10 percent of the units to be affordable under the Village's affordability definition. This section of the code also provides a provision allowing the Village Board of Trustees to provide an additional 10 percent incentive for affordable housing. This additional incentive would increase the number of allowable units to 30 from 27. This would decrease the density variance required from the Zoning Board of Appeals.*

*The FAR for the proposed project is calculated at 0.930 as compared to a maximum of 2.0 for the project. The proposed residential square footage of the proposed building is 21, 288 square footage plus an additional 1,212 square feet of retail space.*

*The parking area should conform to the requirements found in Section 360-4.5 relative to parking lots. These requirements include the following:*

- Overall, the site's pre-development and post-development stormwater run-off needs to be modeled and calculated. There cannot be a net increase for the post-development condition. There are a number of techniques that can be used to insure that there is no net increase of run-off.*
- In this regard, pervious material should be used where possible (sub-section (H)). Depending on the need for run-off reduction, pervious materials can be used in the parking spaces with asphalt being provided along the driveways; and*
- Bioswales (open spaces in the curbed islands) and rain gardens can also be used in the parking lot islands; and*
- Access road in the parking area shall not exceed 24 feet; and*
- The screening of the parking lot from adjacent residential properties in the TFR zone shall be from 5 – 6 ½ feet in height. This screening should not be chain link but rather landscaped or solid fencing; and*
- The dimensions of parking spaces are 9 x 18*
- Interior landscaping of the parking lot should include islands with a minimum width of 8 feet and a minimum 6inch curb with openings; and*
- One tree is required per ten spaces; and*
- One off-street loading space is required for commercial space; and*

**Parking lot and landscaping**

*Other items to be reviewed include:*

- The access to Catherine Street from the parking lot needs more detail. Is this emergency access? Will such access be gated and if gated, how does the fire department have access?*
- Specify the caliper of the trees on the landscaping plan. Typically, tree calipers should be 3 ½ inches instead of 2 ½ inches.*
- More detail should be provided for the access along the western part of the building to the rear of the proposed building (fencing, pervious materials, lighting, etc.*
- Landscaping along Pond Road adjacent to the building should be enhanced and specified.*
- The circulation system for the parking lot would appear to call for a counter clockwise pattern*
- Specify the fencing to screen the adjacent the adjoining residential properties, Will there be fencing between the parking area and the emergency access driveway?*
- Provide a lighting distribution plan which conforms to the lighting requirements for residential areas. These include 1.0 foot candles at the property line, 5.0 at the building entrance, 3.0 in the parking lot and pedestrian areas. All lighting should be downlit and cuts of the lighting fixtures should be shown. The poles in the parking area should be lowered to 12 feet*
- The existing wall and fence on top of the wall along Catherine Street needs more detail. Generally, the fence and wall façade need to be painted and maintained. Additionally, the area in front of the wall along Catherine Street should be landscaped*
- The proposed dumpster area is near residential properties and should be more significantly screened. The current screening is chain link with green slats. The entire*

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*area is also covered with asphalt. Applicant should explore some landscaping and better screening in this area*

*· Details on maintenance of Pond Road by the applicant as well as easement in the parking and around the parking lot to allow for Village maintenance of Nyack Brook.*

*The proposed project has received ARB approval for the current project. If the ZBA does not provide the necessary density variance, the project will need to go back to the ARB for an amended review and approval.*

*Please refer to the engineering review prepared by Eve Mancuso, the Village's Consulting Engineer.*

*The Applicant has prepared and will submit a short form EAF for the Planning Board's SEQRA review. The project is an unlisted action. At this meeting, the Planning Board should declare itself to be the lead agency for SEQRA review and declare the action to be an unlisted action under SEQRA.*

application is continued for Village Board and the Adler Consulting.

**Public--** None

**BOARD**

SEQRA-- this is an unlisted action-- needs to have an EAF-- Planning board has adopts the following resolution to publish our intent to declare the Planning Board lead agency for review. (Second by Keene, Vote 5-0, approved ).

**Other Business:**

A motion was made by Chairman Klose, seconded by Member Voletsky, to accept the December 3, 2012 minutes. Passed 5-0.

The meeting was adjourned at 9:00 PM.