



Village of Nyack Planning Board

March 3, 2025

Members Present:

Laura Rothschild – Chair - present
Catherine Friesen (Alternate) – present
Samuel Hart – present
Jennifer Knarich - present
Peter Voletsky – present
Taylor Light (Alternate) - absent

Also Present:

Dennis M. Michaels, Esq. Village Attorney - absent
Manny Carmona – Building Department- present
Bob Galvin – Village Planner - present

Meeting opened by the Chair at 7:00 pm.

Conflict Check: The Chair polled the members of the Board regarding the issue of possible conflicts of interest regarding any of the applications. There were none.

The Chair confirmed that the February 3rd Minutes had been distributed and approved.

1. **20 Tallman Avenue. Barbara Howard. Continuation of Site Plan application for an addition and alterations, expand deck, install lift and add balcony off bedroom.**

On Agenda for Adjournment Purposes Only

2. **1-3 South Broadway. Kier Levesque. Continuation of Site Plan application to renovate/reconfigure existing retail and restaurant spaces, basement, and changing floor for a total of 6 dwelling units.**

On Agenda for Adjournment Purposes Only

3. **292 Main Street. 292 Main LLC. Site Plan application to change use from office building to mixed-use building consisting of one commercial space and six residential (one bedroom) units.**

The Chair closes Public Hearing on this application.

Ira Emanuel is representing this application. He states that any changes the Board requested have been made – lighting, planter and additional items – all indicated on Site Plan dated 2/13/25.

VILLAGE PLANNER COMMENTS

PB - Close the Public Hearing at meeting on 3/3/25

On 1/6/25 PB determined action was a Type II with no SEQRA review.

- **Applicant has responded to & addressed County Planning GML**
 - **ARB approved amended application on 11/20/24**
 - **ZBA approved all requested area variances on 1/27/25.**
 - **Site Plan revised 2/13/25 – Celentano Surveyor**
 - **Architectural Plans dated 11/13/24 – Hartman Design**
- **Draft Resolution approving the Site Plan application submitted by 292 Main LLC dated 3/3/25 provided to PB for their review by Village Planner.**
- **Make a motion and second for approval.**

Jennifer Knarich makes a motion to adopt resolution as prepared by Village Planner with Site Plan dated 2/13/25 and Resolution dated 3/3/25. This is seconded by Peter Voletsky. Vote 5-0.

4. 80 Main Street. Hudson Health Extracts. Continuation of Special Use Permit application to open a Medical-Use Dispensary.

Ira Emmanuel is representing this application along with applicant, Colin Kelly. Ira states that it is a NYS requirement for windows to be blacked out. Nyack has a thriving arts community We thought about that and would like to offer a window display area with rotating local art. Best of both worlds – celebration of art community and blackening out of windows.

The Chair asks if public has any comments.

Chaya Pilla representing voices of community. In 3 days we have acquired 400 signatures. We are asking for a pause in the approval to allow us time to speak to the Village Board.

The Chair states that this is not under the purview of the Planning Board. We can only deal with Site Plan. We have an obligation to make a decision on this application. They have addressed our concerns.

Bob Galvin states that OCM has provided a license for this application.

Catherine Friesen says that this permitted use was originally in the CC Zoning District only.

Dominick Pilla asks for a pause in the decision. Store owners don't want this either. Decision was made as Covid was ending. People had their heads down. Don Hammond made it sound like they were going to opt out. You can ask for additional information. You can pause. What if this facility wants to go retail as well? We are just asking for a pause until we can get to the next Village Board meeting. Pausing sends a message to the Village Board. The Village Board did not even consult with the Nyack School Board.

Dennis Michaels states that unless you want more information from the applicant, you can't just pause to send the Village Board a message.

Michael Hasson from Upper Nyack. I moved here in 2017. My children go to school here. I've seen a lot of changes in town. If the town doesn't act, we will have a dispensary. I've done research. There is no market for medical – it will end up being retail. This is all moving very fast. This does not have a positive effect on the town. The location is terrible – in between Turriello's and Temptations. This is a hub for adolescent activity. I spoke to about 15 business owners this weekend. None of them are in favor of this. There are laws preventing proximity to schools. I understand that RCC does not meet the criteria, but there are other "schools". The Drum shop has classes for children as well as The Rock Shop. There was a recent article on Lohud where they interviewed an ER Attending at Nyack Hospital talking about the increase in adolescent overdoses on marijuana. This is a problem. I see the artwork as enticing to children – like a Joe Camel situation.

The Chair says that most of us voted to keep this in the CC. Our hands are tied. We cannot change the law. We can only make this the best we can. The applicant has offered to partner with the Village to display artwork in the windows on a rotating schedule and we thought that was a very gracious offer. We can't tell property owners who to rent to. We are stuck with what is before us.

Stephanie Micklis of Upper Nyack. I am the Mom of two 11 year old boys. I left NYC to come back to this town and I can no longer allow my children to walk into town. I am watching the numbers on this petition increase as we sit here. 50 more names since the first speaker. There is an epidemic in the Middle School. The Principal is asking us to speak for the children. Since

Treehouse went in, they are seeing a direct uptick in issues at school. No one is going to put their artwork in these windows.

Ira Emmanuel says that applicant is looking to partner with the Village to enlist an existing not for-profit that supports the arts to help with this. We are not looking to have any say on this. Only on the day/time that they will change the artwork.

The Chair states that if the artwork is going to entice children, maybe we should go back to blacked out windows. I thought this was going to be a nice solution but it seems to have met with a lot of opposition. I don't

Catherine Friesen says that reflective coating might be a better option if artwork would be enticing to children.

Sam Hart says he does not want a weed flower as artwork. It's not too difficult to ask for more information.

The Chair states that it was meant to be a good thing but it seems to have met with opposition.

Kal Toth moved here in 2011. He has a 13 year old daughter who hangs out with friends at Turriello's. You guys have a lot to say – you are the Village Planners. What do we want this Village to look like? Piermont is beautiful. Are we going to have stores with blacked out windows?

The Chair asks what he thinks will happen with a pause?

Kal Toth Slow down. Think about this. This is Main St and Broadway where we have street fairs.

Kirk Theofanides says his kids go to Upper Nyack. He is a business owner in town. He understands the K-12 issue, but RCC has classes all summer long for younger children. This is medicinal now, but they will try to change it. The Security Guard is just going to push to other stores and businesses. Also with Cards Plus, something needs to be done.

Thomas Daly, Nyack resident, states that we are seeing a pattern creeping down Main Street detracting from the Village. Debate between black out and mirrored windows. We want the town to look beautiful – not make Nyack a shitty place to live. Look at Bari – the ARB agonized over materials that went on storefront. Why are some things so difficult, yet others are overlooked.

The Chair states that we are all volunteers who love this community. We put in countless hours.

Catherine Friesen states that this law was debated over two months. In the first meeting, only two members of the community came out. We feel bad listening to this.

Marcy Denker has a business in town. There might be alternatives to the proposed window fronts.

Dominick Pilla Fascade, reflection, blackened, artwork? I don't think any of them are the answer. Let them go to ARB for storefront. This decision was made at a time when people weren't paying attention. These meetings were noticed in the newspaper and nobody read the newspaper. You can't say your hands are tied – you have power here.

Black/reflective/artwork needs to be decided by ARB.

Ira Emmanuel – We're perfectly happy going to ARB. We weren't happy with the idea of blacked out windows. Legally this is a Special Permit. Under State Law, if we meet the requirements of Special Permit, we get approval. Pause is a political thing. That's not up to the Board. You have a limited purview.

Kal Toth – I want to see renderings.

Ira Emmanuel – We have provided everything the Board has asked for. We are asking for a decision tonight. There will be a Security Guard in the vestibule checking ID's. Only over 21 can come in. The guard will also monitor sidewalk and will disperse any loitering. Cameras will be outside monitoring. These files will be kept 60 days.

The Chair questions money being held on premises.

Colin Kelly says there will be cash and debit card transactions. Money will be kept in a secure vault within the building to house product and cash. There will be a burglar-proof drop safe. Product is securely delivered from vendors. They are required to deliver in unmarked secure vehicles with GPS and two people in the car. Internal lighting will be kept same as Starbucks. Outside lighting will be kept same as well – gooseneck lighting over sign that says Gudflwr.

The Chair polls the Board.

Samuel Hart questions what conditional approval would look like.

The Chair asked Bob to add some conditions for security – that security guards are not armed. The way it was presented to us was that it would be a rotating display of art. Would have to work in conjunction with blackening.

Jennifer Knarich would like to see changes to the Resolution in writing before voting.

Ira Emmanuel states that applicant will do whatever the Village want them to do within the NYS OCM Guidelines.

The Chair asks for more details on façade and signage. Alter Resolution to include additional conditions on security guard. Also referring to ARB for advisory opinion on façade.

VILLAGE PLANNER COMMENTS

- **PB - Close the Public Hearing at meeting on 3/3/25**
 - **On 2/3/25 PB determined action was a Type II with no SEQRA review.**
 - **No GML referrals**
 - **No ARB approval required.**
 - **Business Sign part of the application and approved by OCM**
 - **No variances required**
 - **Site Plan & set of plans prepared by Paradigm Architecture dated 8/30/24 • Applicant proposing to install community art displays in the windows.**
 - **Applicants comply with the special permit user-standards and OCM license.**
- **Draft Resolution approving the Special Permit application submitted by Hudson Health Extracts LLC dated 8/30/24 provided to PB for their review by Village Planner.**
- **Make a motion and second for approval.**

The Chair closes public comment. This is seconded by Sam Hart.

This application is continued to the next Planning Board meeting on Monday, April 7th at 7:00pm.

- 5. 80 South Broadway. DR Pilla. Continuation of Site Plan application for the demolition of existing gas station and construction of a new 4-story mixed-use building containing retail space on ground floor and 18 residential units on upper floors. Parking will be provided in the cellar and in front of the building.**

Sarah Murray of DR Pilla is representing this application. We have responded to comments from several agencies, not including Rockland County Planning yet. We have made changes to the in/out of garage. We also pushed back at the commercial spaces rather than have sidewalk and entry outside of the building, we have a portico where you enter.

Planning Board asks applicant for a \$5,000 escrow for parking/planning study to be done by BFJ. Applicant agrees.

The Chair asks applicant to consider a garage door since this issue came up with another property having issues with public using their garage during street fairs and on weekends. Also, in regards to garbage, how will that be handled? And can we talk about the retaining wall?

Sarah Murray agrees to the garage door. Commercial garbage will on ground floor. In the cellar there will be a compactor room with a bag system for the residential. Retaining wall will be reviewed internally by engineering. We haven't looked at it yet. Will be addressed once we get through this process.

Bob Galvin suggests that they may want to consider a 10 ft setback from commercial spaces on the south side.

Catherine Friesen states that she fundamentally has a problem with the 4th floor. She was on the Planning Board years ago when Pavion was being developed. Space is being overbuilt. Doesn't look like it belongs. Too big for the space. Not big enough for public spaces. I understand the economic constraints, but this doesn't work.

Dominick Pilla states that the applicant can build 3 stories as of right. That option will chew up the entire site. Fourth story allows us to step it back and set it back. I don't think you 'll feel the 4th story once it's set back.

Samuel Hart would prefer building on the lot line and pulled forward.

Jennifer Knarich has no issue with 4th story – at the end of the day, I think the traffic study is going to have a big impact on this project.

The Chair is not opposed to 4th story and likes it set back.

Peter Voletsky likes it set back and doesn't mind 4th story.

The Chair would like to see a fountain aspect to this project. She also asks about parking.

Sarah Murray states that the spots in front of the commercial stores are part of our count for residential and the intention is that the two-bedroom apartments would be designated to the tandem parking spaces. Retail is street parking. Elevator on roof will be on top of 4th floor. The height of the roof measures 43 feet whereas the Code provides for 48 feet. There will be no balconies on back of building – only on front.

The Chair asks the Board for any comments.

Bob Galvin states that the idea is to draw people into retail. The Chair says that she thinks a fountain would really enhance the area. Bob Galvin also states that we will need to address the garage entrance/exit with the red/green light at the top.

Dennis Michaels advises that you can offer feedback, you can do a neg dec and an advisory recommendation to the Village Board.

VILLAGE PLANNER COMMENTS

Proposal

- 18 residential units with 21 parking spaces.
- 1,900 sf first floor rear terrace.
- Retail on first floor
- Three-story apartment/retail building on the north ○ Funeral Home on south side.
- Unit mix includes: 6 studios, 9 one-bedrooms and 3 2-bedroom units.
- All of the units meet the square footage in the Village code.
- The Proposed 4th story is 43' where 48' is maximum height in the Code.
- Green roof is 3,810-sf provided as a sustainability incentive & includes rooftop terrace
- Proposed building - borders the one-story rear section of the adjacent building on the north. The adjacent building's 3-story section is not bordered by the proposed construction.

SEQRA Review – The proposed action was determined to be an unlisted action on 2/3/25. The 30 days have passed and the Planning Board can now assume lead agency status for SEQRA Review.

The Planning Board will set an escrow amount of \$5,000 for BFJ Planning to review the Project including traffic and circulation, parking, criteria for 4th floor, garage and access, placemaking concepts including pedestrian plaza, fountain, etc. BFJ Planning was responsible for the 2016 Comprehensive Plan.

SEQRA Comments received:

Letter from Stephen Honan, Counsel (Feerick Nugent MacCartney Attorneys at Law) dated February 21, 2025, representing Mr. Keth Taylor, owner of adjacent property at 88 South Broadway (Please indicate receipt of letter by the Planning Board and inclusion in the Planning Board's SEQRA record)

*Village Engineer –stormwater (1/27/25)–applicant replied
Orangetown DEM (1/27/25) – applicant replied*

Rockland County Health Dept (1/31/25) - applicant replied
Orangetown Planning Board (2/4/25) – not yet replied
Rockland County Planning (2/10/25) – not yet replied

Spills Incident Database – Spill # 8804318, 8804318, 8902064. Projects within 2000 of NYSDEC Environmental Site Remediation Database: 344040, 344046, C314067, C344063, 546031. For Site 546031, action taken to reduce PCBs in floodplain soils. For all other sites, remedial work has been completed. Review completed with DEC.

Parking – 21 parking spaces required for 18 units

Garage – 16 spaces & 6 tandem spaces
5 spaces outside in front of the retail stores

Applicant has 21 spaces with 16 spaces in the garage and 5 spaces in front of the retail.

Tandem spaces do not count for required parking. Diana Place at 249 Main Street (approved in June 2020) required 25 spaces for 26 units. The 30 spaces provided did not include 3 tandem parking spaces for use by apartment dwellers with more than one vehicle.

The sidewalk on South Broadway has a width of over 10'. The utility poles will be buried by the applicant. No Side Yard Setback on the south side - Pickup of garbage from compacter in the basement ? No access to the rear yard? Assist in constructing the new retaining wall adjacent to the funeral home.

Public Benefits for 4th Floor (for Nyack Board of Trustees) – (PB will need to provide a recommendation)

- 1) providing parking spaces for short term use beyond that which is required to serve the project proposed and designed to mitigate the problems of traffic and congestion in the downtown area – applicant is providing two additional on street parking spaces;
- 2) special landscape design features and improvements available for public;
- 3) the removal of existing features which detract from the function and/or appearance. but not limited to overhead utilities, unattractive structures and other such features.
- The provision of special design amenities available for public use and enjoyment and would enhance the function and/or appearance of the downtown, including but not limited to pedestrian linkages, plazas, fountains, artworks, seating and other passive recreation areas, special landscape design features and other such similar improvements. (Note the provisions in the code related to placemaking including pedestrian plaza design, fountains, etc.)

The access to the garage is a 12' one way driveway. There is a Red/Green light at top of the driveway on South Broadway for the parking garage with a sign "*No Entry when red light is on.*" There is a 17.6' curb cut on the north side adjacent to the garage entrance access which is 12'. Review to see if there is a problem with entering vehicles blocking sidewalk and South Broadway.

See Example of Pedestrian Plaza between the building and sidewalk

- 1) Attract in pedestrians for stores
- 2) Make connection between building and South Broadway. 3) Visually fills in interrupted space in street wall.

The Planning Board can explore possible public benefits with the applicant, but it will be up to the Village Board to approve the final benefits associated with their special permit.

Projects – Bogardus Plaza-MNLA



This application is held open until the next Planning Board meeting on Monday, April 7th at 7:00 pm.

6. 160 North Midland Avenue. Montefiore Nyack Hospital. Site Plan application to install a generator and construction of passive flood barrier system and sidewalk replacement.

Mike Novak, CP and COO of Nyack Hospital states that they were awarded two grants through the BRICK program – one for hazard mitigation and one for natural hazard risk mitigation. The first grant will be used for a generator and the other for stormwater protection and hazard mitigation.

Mike Pomarico, Architect, says that the generator will power the whole hospital. The entire project will take place along the 9W side of the Hospital. This is a packaged system in an acoustic enclosure. Flue will vent out the top.

Patricia Scanlon, Acoustical Consultant, states that the Village of Nyack noise ordinance was addressed. Discharge of any noise has to pass through a muffler. Nearest residence is 520 feet to the south and 250 feet to the north. Noise levels were consistent during monitoring of 4 different timeframes. The enclosure is rated for 75 decibals at 5 feet. Muffler system is part of enclosure. Will be far below and Village ordinances nearby properties.

Peter Voletsky asks about fuel. Mike Pomarico says it will be diesel. The 1200 gallon tank under generator. It is fully contained with leak sensors.

Dr. Kasinathan of Environmental and Energy Solutions, Inc. says that generator will comply with all rules and regulations of the State as well as the Village. Testing of the generator will occur for 1 hour, once per month.

Mike Pomarico explains that this generator runs in lieu of other 3 generators once it kicks on, the other 3 shut down. Emissions will be reported annually to DEC. We do not have the make and model of generator yet. Fire Suppression will be tied into the building.

Shannon Folino from Langan Engineering states that they are re-routing the pipes in the physicians parking lot. There will be Barrier gates at two driveways as well as barrier wall along 9W. When water gets into the barrier gate, a sensor will detect it and barrier will rise. The Hospital has an auxillary entrance on Midland. The ambulance entrance is on Midland. This only happens during extreme weather.

The Chair asks when the grant expires. Answer is 3 years. FEMA is aware of timeline of delivery of generator.

Ellyse Berg – thank you for replacing the sidewalk. I appreciate it very much. She asks what is the noise level of the existing generators. Answer is that study was only done on new generator. She also requests that they plant greenery along 9W side. It currently looks very industrial. Answer is plantings cannot be done as there will be electrical conduits under grass along 9W.

VILLAGE PLANNER COMMENTS

The Applicant is Montefiore Nyack Hospital which is seeking a Site Plan approval to install a generator to be located in an elevated area near the loading dock and construction of a passive flood barrier system and sidewalk replacement on the northwest area at the two entrances from Route 9W and sidewalk replacement along Route 9W. This is being designed to manage the flooding conditions entering the Hospital ground from Route 9W. Michael Pomarico of Pomarico Design Studio is representing the Hospital.

SEQRA – The proposed action is a Type II action under NYS DEC 617.5 (c) (9)

“construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance.” and, therefore, no further SEQRA review is necessary.

LWRP – *based on the Village Code, as a Type II action, this is consistent with LWRP policies.*

GML - GML referrals were sent out to the following agencies on 2/13/25: Rockland County Planning, NYS DOT, Nyack Fire Department, Orange & Rockland Utilities, and Town of Orangetown.

The Chair closes public comment. This application is continued to the next Planning Board meeting on Monday, April 7th at 7:00pm.

The Chair closes the meeting at 10:33 pm.

The Clerk/Secretary to the Planning Board of the Village of Nyack is hereby authorized, directed and empowered, by the Planning Board, to sign these Minutes, and to file a copy thereof in the office of the Village Clerk:

Mary Screene, Clerk/Secretary