



Village of Nyack Planning Board

MARCH 7TH , 2022 Minutes

Members Present:

Peter Klose - Chair
Laura Rothschild

Jennifer Knarich
Peter Voletsky
Matthew Croussouloudis-alt.

Absent: Karen Roberts alternate--
Miguel Ortiz-Crane

Also Present:

Walter Sevastian, Village Attorney
Manny Carmona
Bob Galvin—Village Planner

COVID-19 PANDEMIC STATUS~ held VIA ZOOM THIS MONTH: Village of Nyack Planning Board Meeting
03/07/2022; 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting <https://us02web.zoom.us/j/83084562307> Meeting ID: 862 5615 8975

Conflict Check: The Chairman polled the members of the Board regarding the issue of possible conflicts of interest regarding the application. Peter Voletsky is going to recuse from the 15 Tallman Application. All others affirmed there were no conflicts of interest or reasons for recusal, unless otherwise noted.

Other Business: Chairman stated that the minutes for the February 7th, 2022 meeting were distributed to Planning Board Members for their review prior to this meeting and at that time asked if there were any corrections. As there were no corrections, Chairman made a motion to approve the February 2022 Minutes as distributed. Motion seconded by Voletsky -- so 5--0 to approve other applications.

PLANNING BOARD POLICY AMENDMENT

Other Business: Chairman and Building Department welcomed a new Building Inspector to the Building Department (Manny Carmona) and discussed the fact that many applications languish on the agenda, being adjourned month by month.

To address this recurring problem, the Chairman moved to change the operations of the Planning Board to streamline the stalled Planning Board Applications and to remove dormant ones from the agenda by establishing a process so that the Building Department will give written notice to any Applicant that has been dormant for six months.

NOTICE is hereby provided that the Planning Board shall, on its own motion discontinue and remove from the Agenda any Application that has remained on the Planning Board agenda for six (6) months without update, communication, or further prosecution.

From this date forward the Building Department will give written notice by certified return receipt mail and EMAIL communication to any Applicant which has had an application pending before the Planning Board for five (5) months without appearance at a public hearing. The applicant will either appear and provide good cause reasons and explanations to the Planning Board for continuation of the pending application at the sixth (6th) month. If the Applicant fails to appear at the public meeting and adequately explain the delay of the application, the Planning Board shall be empowered to discontinue review of the pending application. If the Application is discontinued by the Applicant in this manner and the Applicant shall be required to discontinue the pending Application and re-file a new application, paying all costs and fees associated with both the discontinued application and the new application. The Planning Board's discretion to strike any particular application for delay by the Applicant shall be explained in writing during the public hearing in the sixth month. Motion Seconded by Peter Voletsky, Voted 5-0 provided the Village Attorney approves or amends the foregoing.

1. ***53 Route 59. NY Fuel Distributors. Continuation of Site Plan application for the demolition of existing building and gas pump canopy and re-locate on site and request for recommendation to Zoning Board of Appeals for required variances.***

APPLICATION APPEARS ON AGENDA FOR ADJOURNMENT PURPOSES ONLY

BOARD-- Motion by Klose NONE

2. ***15 Tallman Avenue. Continuation of application for minor subdivision approval and approval to demolish garage. Property is in SFR-1 zoning district.***

Village Planner Comments – March 7, 2022, meeting. Planning Board is requested to establish an escrow of \$1,500 to allow the Village Engineer to review the subdivision plat and the Grading/Drainage/Utility Plan.

Updated Plans- Applicant has updated the Preliminary Subdivision Plat (last rev 2/16/22). It now includes the following Note regarding the existing garage demolition:

30: "A Demolition Permit is Required for the Removal of the Existing Garage on Lot #1. Concurrent with the Submission with Said Permit, a Demolition Plan to Protect Adjoining Properties Shall be Submitted to the Village Bldg. Dept. And Village Engineer for Review and Approval."

Subdivision includes a series of notes addressing subdivision requirements. Applicant will need to include the following Note on the Preliminary Subdivision Plat (requested by Town of Orangetown GML) -- "A note shall be added to the Subdivision Plat stating that The Town of Orangetown Sewer Inspector shall be notified at least 48 hours in advance of any and all construction on or near any existing and/or proposed sanitary sewer facilities."

Village Engineer-- *We are in receipt of a submission with regard to the above captioned project consisting of the following:*

- 1. Plans entitled "Subdivision of Property for Pagano", prepared by Jay Greenwell, PLS, and Paul Gdanski, PE, sheets 1 and 2 of 2, last revised February 16, 2022.*
- 2. Landscape Plan entitled "Pagano Residence", prepared by Yost Design, Landscape Architect, dated January 21, 2021, 1 sheet - L-701.*

The site is located on the south side of Tallman Avenue, one property west of Broadway. The subject property is improved with a residential dwelling and garage. The applicant is proposing a two-lot, minor subdivision. The existing house will remain. One new dwelling is to be constructed. The applicant is proposing to demolish the existing garage and a portion of the existing circular driveway to accommodate the construction of the new dwelling.

Village Engineer- We offer the following comments:

- 1. A drainage narrative and drainage calculations shall be submitted.*
- 2. The plan submitted accommodates the surface run-off from the impervious surfaces and from the lawn area. The current roof leader discharge points from the existing dwelling and the new roof leader connections from the proposed dwelling shall be shown.*
- 3. Percolation test shall be performed to verify any design assumptions made in sizing the seepage pit systems. The building department shall be contacted to witness the same. Written results of the percolation tests shall be submitted from the professional performing the test.*
- 4. All cracked, unlevel or damaged curb, sidewalk and apron along the property frontage shall be replaced with concrete curb, sidewalk and apron in accordance with the Village specifications*
- 5. The Landscaping Plan proposes a berm and evergreen trees along the south edge of the new parking stalls on Lot 2. A low evergreen hedge should be considered to shield the glare from the headlights from trespassing onto the adjoining property to the east.*

6. *The Landscape Plan proposes a row of evergreen trees to provide a vegetative screen of the proposed driveway to the adjoining property to the south on Lot 1. The placement of the proposed trees in this location will also assist in directing stormwater run-off towards the proposed seepage pit stormwater management system.*
7. *Erosion Control Details have been provided. The location of installing these measures shall be shown on the plan.*
8. *All construction details shall be provided.*

GML Responses-- *Application submitted for GML review on 12/21/2021. The Building Department has received responses from Rockland County Planning (1/14/22), and the Town of Orangetown, Department of Environmental Management and Engineering (1/10/22). (Referred to in the Neg Dec).*

Village Planner Comments-- *The total property to be subdivided into two lots consists of 15, 215 sf. with 154.57' of frontage on Tallman Avenue. The subject property SFR-1 zone. It is located one lot to the west of Broadway on the south side of Tallman Avenue. The Bulk zoning table indicates that the two resulting lots would be zoning compliant. Lot 2 which is the closest lot to Broadway has an existing 2 ½ story residence which will remain. Lot 2 is 7,708 sf where 7,500 sf is the minimum required. Lot 2 will have 80' of frontage where 50' is the minimum requirement. Lot 1 is 7,507 sf with 77 ' frontage. Lot 2 has an existing residence which will be renovated and expanded with a one-story covered porch in the northeast corner of the residence.*

The Planting Plan should show new concrete sidewalks along both lots. Applicants should consider street trees in front as appropriate. The existing impervious surface on the total property is 6,160; the proposed impervious surface is 6,480. This resulted in a net increase of 340 sf or approximately 5 percent increase.

The planting schedule shows new plantings including 1 Red Maple (3" caliper), 8 Norway Spruces (7-8'), and 8 Western Red Cedar (8-10'). Lot 1 adds Red Maple tree at northwest front of the property and maintains existing tree in northeast corner front of the property. Tree protections measures are shown on the plan. The Norway Spruces will be planted on Lot 1 in the south west corner where the existing garage was formerly located. Lot 2 maintains 5 existing trees at the northeast front corner and continues along the side yard on the east side boundary with the adjacent property. The Western Red Cedar will be planted on Lot 2 in the southwest corner at the end of the proposed driveway.

SEQRA – the proposed minor subdivision is an Unlisted action under SEQRA. As the only involved agency, the Planning Board has already assumed Lead Agency status at the January meeting. **Neg. Dec.** - Village Planner has provided Parts 2 & 3 including the draft Neg. Dec. (Part 3) for the Planning Board's review. Adoption of the Neg Dec would close out SEQRA for this application.

NEG DEC-- The proposed action is a subdivision of a 15,215 sf subject property into two lots in the SFR-1 zone. The property is located on the south side of Tallman Avenue, 135' west of North Broadway. The subdivision does not involve the creation of any new public streets. The property has 154.57' frontage on Tallman Avenue. Proposed Lot 2 which is closest to North Broadway has an existing 2/ ½ story residence which will remain. Lot 2 will consist of 7,708 sf. with a frontage of approximately 77'. Lot 1 will be 7,507 sf with s approximately 80' frontage. Both lots will be zoning compliant. The existing impervious surface on the total property is increasing by less than 5 percent. The Village Engineer's review indicates the submitted plan accommodates the surface run-off from the impervious surfaces and lawn area. Subdivision Plat has been revised to include the following Note: # 30: "A Demolition Permit is Required for the Removal of the Existing Garage on Lot #1. Concurrent with the Submission with Said Permit, a Demolition Plan to Protect Adjoining Properties Shall be Submitted to the Village Bdlg. Dept. and Village Engineer For Review and Approval." New plantings include 1 Red Maple, 8 Norway Spruces (7-8' high), and 8 Western Red Cedars (8-10' high). Lot 1 adds Red Maple tree at northwest front of the property and maintains existing tree in the front northeast corner of the property. The Norway Spruces will be planted on Lot 1 in the southwest corner where the existing garage was formerly located. This will provide a vegetative screen of the driveway to the adjoining property to the south. The placement of the trees in this location plus the direct swale will assist in directing runoff from the driveway to the drywell on Lot 1. Lot 2 has a drywell located adjacent to the driveway over 20' from the rear property line. Lot 2 maintains 5 existing trees at the northeast front corner and continuing along the eastern boundary line. The Western Red Cedar trees will be planted on Lot 2 in the southwest corner at the end of the proposed driveway. These trees will be planted on top of a raised 18" berm at the end of the driveway. DEC's experience has shown that this type of action does not have a significant adverse effect on the environment. Most of the typical impacts can easily be managed during subdivision review. Based on the Planning Board's review of Part 2 of the EAF, the GML comments from Rockland County Planning (12/21/21), Town of Orangetown DEME (1/10/22), the Village Engineer's review (3/3/22), Building Inspector and Village Planner's PB Notes (1/3/22, 2/7/2), the proposed action is not expected to result in any significant adverse environmental impact that would rise to the level of significance required for a Positive Declaration.

Village Planner has prepared a Coastal Assessment form (CAF) indicating that the **LWRP Consistency Review— The Coastal Assessment Form(CAF)** has been provided to the Planning Board. The Village Planner has recommended that the proposed action is consistent with the policies of the Village LWRP. Planting Plan shows new concrete sidewalks along both lots. Applicant should consider street trees in front as appropriate. The planting schedule shows new plantings including 1 Red Maple (3" caliper), 8 Norway Spruces (7-8'), and 8 Western Red Cedar (8-10'). Lot 1 adds Red Maple tree at northwest front of the property and maintains existing tree in northeast corner front of the property. Tree protections measures are shown on the plan. The Norway Spruces (8 trees) will be planted on Lot 1 in the southwest corner where the existing garage was formerly located. A direct swale will run from the driveway to the drywell on Lot 1. Lot 2 maintains 5 existing trees at the northeast front corner and continuing along the side yard on the east side boundary with the adjacent property. The Western Red Cedar (8 trees) will be planted on Lot 2 in the southwest corner at the end of the proposed driveway. These trees will be planted on top of a raised 18" berm at the end of the driveway **UPDATED PLANS SUBMITTED FOR March 7, 2022, PLANNING BOARD MEETING. Grading/Drainage/Utility Plan 10/20/21 rev 1/10/22 Subdivision of Property for Pagano 10/20/21 Last revised 2/16/22 Planting Plan L-701 1/21/21**

APPLICANT- Jay Greenwell-revised -plans-concerned about neighbors-- remainder on the plans are now updated- added drywells for Lots 1 and Lot 2-- revised the grading-- directed to a dry well- proposed driveway-- provided a planing berm to address that to allow the field inlet-- directing all of the water to the drywells. Both have driveways.

Public-- Peter Voletsky wants the Village Engineer to review the garage and apartment over the garage. Existing framed structure and three car garage. Applicant consents to taking all steps to obtain property Demolition permit from various regulatory agencies.

Board- Chairman Klose proposes that the Board adopt the findings and resolutions found in the Final Resolution attached to these Minutes, as follows:

NOW, THEREFORE, BE IT RESOLVED that the Subdivision of the Property of Pagano dated 10/26/21, last revised 2/16/22 submitted by Giuseppe & Denise Pagano for the minor subdivision for two lots for property located at 15 Tallman Avenue is approved. The Final Subdivision Plat of the Pagano Property is conditionally approved subject to the conditions set forth below and with the granting of the special permit for the minor two lot subdivision. The requested demolition of the existing three car garage on Lot 1 is also granted, subject to the following conditions:

- (a) The Applicant shall obtain all required state, county and local permits and approvals.
- (b) Prior to the issuance of a demolition permit for the framed structure with

apartment and three-car garage on Proposed Lot 1, Applicant shall provide a demolition plan to the Building Department for review and approval by the Village Engineer and Building Inspector.

- (c) Applicants shall prepare and submit a Final Subdivision Plat to the Planning Board Secretary in a form provided by §360-5.8 (D) (3) (a) of the Nyack Village Code for the signing of the approved plat by the Chairman of the Planning Board. The Final Subdivision Plat shall be in substantial agreement with the Subdivision Plat of the Pagano Property dated 10/26/21 and last revised 2/16/22
- (d) Prior to the signing of the Final Subdivision Plat of the Pagano Property by the Chair of the Nyack Planning Board, Applicant shall submit the following to the Building Department:
 - i. A Drainage Narrative and drainage calculations.
 - ii. The current roof leader discharge points from the existing dwelling and the new roof leader connections for the proposed dwelling shall be shown on the plat.
 - iii. Percolation test shall be performed to verify ant design assumptions made in sizing the seepage pit systems. The Building Department shall be contacted to witness the same. Written results of the percolation tests shall be submitted from the professional performing the test.
 - iv. All cracked, unlevel or damaged curb, sidewalk and apron along the property frontage shall be replaced with concrete curb, sidewalk and apron in accordance with the Village specifications.
 - v. The Planting Plan proposes a berm and evergreen trees along the south edge of the new parking stalls on Lot2. A low evergreen hedge should be considered to shield the glare from the headlights from trespassing onto the adjoining property to the east.
 - vi. The Planting Plan proposes a row of evergreen trees to provide a vegetative screen of the proposed driveway to the adjoining property to the south on Lot 1. The placement of the proposed trees in this location will also assist in directing stormwater run-off towards the proposed seepage pit stormwater management system.
 - vii. Erosion Control Details have been provided. The location of the installation of these measures shall be shown on the plat.
 - viii. All construction details shall be provided.
- (e) In accordance with the Rockland County Stream Control Act, the Final Subdivision Plat of the Pagano Property shall be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the plat is filed in the office of the Rockland County Clerk.

- (f) Immediately upon recording of the Final Subdivision Plat in the office of the Rockland County Clerk, the Applicant shall submit to the Building Department written evidence of such recording together with a stamped copy of the filed subdivision plat.

Board--Motion to close the public hearing by Klose as to the Subdivision Application (with individual site plans for each lot being considered at a later date), Seconded by Jennifer Knarick Vote 5-0 to Close Public hearing.

SITE PLANS HAVE NOT BEEN APPROVED -- APPLICANT WILL FILE FOR SITE PLAN APPROVAL WITH PERMITS TO BUILD

- 9. **2-4 S. Franklin Street (AKA 143 Main Street) and 145 Main Street. Application for a minor subdivision approval and Special Permit for the merger of two lots. Property is in DMU-1 zoning district. Surveys, subdivision plats and permit application documents should contain the address for SBL66.37-2-15 as listed on the tax rolls as 2-4 S. Franklin Street.**

Building Inspector- Applicant appeared before the ZBA at the January 31, 2022 Meeting-- granted-- All Violations against the building have been removed.

Village Planner Comments *The listed information must be included in the preliminary plat and verified by the Building Inspector before the Planning Board can provide preliminary plat approval and the special permit for the merger of the two existing lots. The Planning Board will then be in a position to approve the final plat – there is a code requirement to have a public hearing on the final plat. The Planning Board can request preparation of a draft resolution for the final subdivision plat after approval of the preliminary plat.*

ZBA Variance – *Applicants obtained an area variance from the ZBA for three parking spaces. Eight spaces are required for the 8 residential units. There are 33 spaces required for the office/retail and restaurant uses. The existing parking requirement is 38 spaces. There are 41 spaces required for the new project. The difference is the three spaces which need a parking variance from the ZBA.*

SEQRA – *The proposed action is a Type II action based on 617.5(c)(18)-- “reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special-use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part;” LWRP - Based on the Village Code, as a Type II action, this is consistent with LWRP policies.*

Applicant-- DR Pilla--Darua Tutko-- wanted the Resolution to approve the Sit

Public- NONE

BOARD-- NOW, THEREFORE, BE IT RESOLVED that the minor subdivision application submitted by Hawthorne Consolidated LLC for the merger of two adjacent lots with two existing buildings located at 143 & 145 Main Street as reflected on the Preliminary Subdivision Plat dated 1/26/22 and the Final Subdivision Plat (SBL 66.37-2- 13 & 14) dated 2/16/22 and the special permit for the merger of two adjacent lots is hereby granted, subject to the following conditions:

- (a) The Applicant shall obtain all required state, county and local permits and approvals.
- (b) The Applicant shall pay all outstanding consultant review fees and Building Department fees in connection with this application prior to the signing of the Final Subdivision Plat by the Chairman of the Planning Board.
- (c) The Applicant shall present the approved Final Subdivision Plat to the Planning Board Secretary in a form provided by §360-5.8 (D) (3) (a) of the Nyack Village Code for the signing of the approved plat by the Chairman of the Planning Board.
- (d) In accordance with the Rockland County Stream Control Act, the Final Subdivision Plat shall be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the plat is filed in the office of the Rockland County Clerk. .
- (e) Immediately upon recording of the Final Subdivision Plat in the office of the Rockland County Clerk, the Applicant shall submit to the Building Department written evidence of such recording together with a stamped copy of the filed subdivision plat.
- (f) The Applicant is required to provide one affordable unit in compliance with the provisions of §120-1 ("Affordable Housing"). Based on the requirements of §120-1C (1)(b), the Project will provide one below market rate unit (either a 1-bedroom or a studio unit) at the project's discretion.

After the last Application, Members of the Planning Board discussed the public Referral from Village Board for an advisory recommendation (VON Code 360-5.6) regarding proposed text amendments relating to Cannabis Retail Dispensaries. The Planning Board drafted a report to the Village Board relative to this request by the Village Board and hereby vote 5-0 to pass it to the Village Board. Report was sent to Village Board.

OTHER BUSINESS-- Motion to adjourn by Voletsky, seconded by Rothschild - passed by a vote of 5-0. Meeting was adjourned at 7:39 PM.