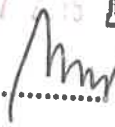




**APPROVED
RESOLUTION**

RECEIVED
JUN 07 2016

BY: 

**VILLAGE OF NYACK PLANNING BOARD
Adopted June 6, 2016**

**RE: The Montclare - 6 North Midland Avenue
Resolution of Site Plan Approval**

After due discussion and deliberation, on motion by Mr. Peter Klose, seconded by Mr. Daniel Jean-Gilles and carried, the following resolution was adopted:

WHEREAS, on January 16, 2015, a site plan application was submitted to the Planning Board of the Village of Nyack ("Planning Board") by Montclare Apartments, LLC ("the "Applicant"), (all references to which shall include and be binding upon the Applicant's successors and/or assigns), to demolish a single story structure and construct a 3-story multi-family apartment building consisting of 48 units with parking at ground level below the proposed building located at 6 North Midland Avenue (the intersection of Main Street and North Midland Avenue). The Planning Board approved the demolition of the single story structure on the property at their meeting on January 15, 2015. The Project consists of 30 one-bedroom units and 18 two-bedroom units with 72 parking spaces. There will be 4 affordable units included in the project based on the Village's Affordable Housing requirements. The project will include 8,483 square feet of porous pavement, approximately 30% of the total pavement area. The applicant has submitted a stormwater management plan which has been reviewed by the Village Consulting Engineer. All of the stormwater, erosion control, Nyack Brook treatment and site drainage issues have been addressed and are on final plans. A Landscaping Plan has been submitted and reviewed. A review of the Applicant's Traffic Study has been conducted by FP Clarke which concluded that the proposed project would not result in major traffic or parking impacts and provides a 60'+ sight line at the intersection. The Village traffic consultant

recommended and the applicant agreed to changes to internal circulation and on-street parking, relocation of stop bar, inclusion of ADA compliant ramps and signal timing changes, all noted on their plans. The Applicant has reduced the bulk of the building at the corner of the intersection providing a ground level cutback and terraces on the upper floors (approximately 8' x 8'). This opens up the sidewalk at the corner both physically and visually for pedestrians. Applicant has provided 5' sidewalks along both Main Street and North Midland Avenue. The Project consists of 35,273 square feet (0.814 acres) and identified on the tax maps of the Town of Orangetown as Section 65.36, Block 2, Lot 16; and

WHEREAS, the Applicant is located at 6 North Midland Avenue ("Property"), within the DMU - Downtown Mixed Use Zoning District; and

WHEREAS, after due notice to all involved and interested agencies, the Planning Board declared its intent to be Lead Agency for this unlisted action under SEQRA on February 17, 2015, and accepted a Short Form Environmental Assessment Form (EAF) prepared by the Applicant with a view towards identifying the relevant potential environmental impacts that could result from the approval and development of the project, and assumed Lead Agency on April 13, 2015 to consider the proposed action's environmental impacts; and

WHEREAS, a duly advertised public hearing was opened on the Application by the Planning Board on February 17, 2015 and continued on March 2, 2015, April 13, 2015, July 6, 2015, October 5, 2015, November 2, 2015, December 7, 2015, January 4, 2016, March 7, 2016, April 4, 2016 and closed on May 2, 2016, at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Planning Board has carefully considered all public comment, and reviewed, inter alia, the following documentation submitted by the Applicant, interested and involved agencies, and comments from the Village Planner, Building Inspector, Village Engineer and Traffic consultant retained by the Village:

Drawings

The following engineering and stormwater plans were prepared by Pietrzak & Pfau dated November 18, 2015 and last revised March 17, 2016 unless otherwise noted and are part of the approved plans:

- *Cover Sheet* revised May 17, 2016
- *Existing Conditions*
- *Site Plan Upper Level*
- *Site Plan Lower Level*
- *Utility Plan*
- *Grading Plan*
- *Erosion Control Plan*
- *Sign, Striping & Lighting Plan*
- *Profile Sheet & Erosion Control Notes*
- *Site Detail Sheet*
- *Sewer & Water Detail Sheet*

The following architectural plans were prepared by Barry Terach, Architect, B&T Architecture dated November 18, 2015 and last revised February 15, 2016 unless otherwise noted. The Landscaping Plan was prepared by Ronald Haelen, RLA, Landscape Architect dated February 15, 2016 and last revised March 17, 2016 and the accompanying survey prepared by Robert R. Rahnefeld are part of the approved plans for this application.

- A-1 – “*Ground Level Plan*”
- A-2 – “*First Floor Plan*”
- A-3 – “*Second Floor Plan*”

- A-4 – *Third Floor Plan*
- A-5 – *Elevations*
- “*Landscaping Plan*” prepared by Ronald Haelen, RLA, Landscape Architect
- A-1 – “*Proposed Elevation Height Study for the Montclare*” prepared by Barry Terach, Architect, B&T Architecture dated January 21, 2015 and last revised February 16, 2015
- “*Survey Map for Montclare Apartments, LLC dated October 24, 2006 and revised December 11, 2015 with topography updated December 16, 2015* prepared by Robert R. Rahnefeld, Land & Boundary Consultant.

Environmental Forms

- *Coastal Assessment Form (“CAF”)* dated 1/30/15.
- *Short-Form Environmental Assessment Form – Part 1 (“EAF”)* dated 1/30/15.
- *Short-Form Environmental Assessment Form – Parts 2 and 3* prepared by the Village Planner for the Lead Agency, the Village of Nyack Planning Board dated 3/28/16.

Correspondence/Meetings

- Richard W. Gilbert, P.E. President, Blue Shore Engineering, LLC, *Letter to Applicant regarding Clarification of Federal Permit Requirements for Proposed Work Planned at 6 North Midland Avenue, Nyack, NY*, February 25, 2015.
- Jean McAvoy, Region 3 Division of Environmental Permits, New York Department of Environmental Conservation, *SEQR Review: Montclair Multifamily Building (2-6 N. Midland Avenue), Project ID: 5682*, March 20, 2015.
- *Technical Meeting between Village of Nyack Staff and Michael Galante, SVP, FP Clark Associates (Village Traffic Consultant) and Applicant’s Engineer and Harry Baker (Traffic Consultant) to discuss Traffic Study and Site Plan Issues, September 11, 2015.*

Reports/Memorandums

- Harry Baker & Associates, *Montclare Traffic Impact Study, Nyack, NY* July 22, 2015 and revised October 5, 2015.
- Michael Galante, EVP, *Traffic Review – Proposed Montclare Residential Development, North Midland Avenue at Main Street, Nyack, NY*, Frederick P. Clark & Associates, Inc., September 14, 2015.

- Michael Galante, EVP, *Second Traffic Review – Revised Traffic Impact Study – Proposed Montclare Residential Development*, Frederick P. Clark & Associates, Inc., December 1, 2015.
- Michael Galante, EVP, *Third Traffic and Site Plan Review – Proposed Montclare Residential Development, 6 North Midland Avenue*, March 1, 2016.
- Robert Galvin, AICP, Nyack Village Planner, *Montclare Site Plan*, April 27, 2016.
- Vincent Florentino, Village of Nyack Fire Inspector, “*Plan Review of Proposed Multi-Family Housing, “The Montclare”, 6 N. Midland Avenue*”, April 20, 2015.
- Eve Mancuso, PE, *Memorandum: Site Plan Review, Montclare Apartments, Main & Midland Avenue*, December 4, 2015, January 2, 2016, January 27, 2016 and March 4, 2016, Brooker Engineering, PLLC.
- Pietrzak & Pfau Engineering & Surveying, PLLC, *Culvert Analysis for the Montclare – Narrative*, November 2015.
- Pietrzak & Pfau Engineering & Surveying, PLLC, *The Montclare, Drainage Report - Narrative*, February 2016.
- Mark W. Siemers, P.E., *Cover Letter – The Montclare*, February 16, 2016 and March 22, 2016, Pietrzak & Pfau Engineering & Surveying, PLLC.
- Robert Galvin, AICP, Village Planner, Nyack, *Memorandum to the Village of Nyack Planning Board: LWRP Consistency Recommendation for The Montclare, 6 North Midland Avenue, April 11, 2016*.

WHEREAS, on March 18, 2015, the Village of Nyack Architectural Review Board approved the Project; and

WHEREAS, on or about April 11, 2016, having found that it was in possession of all documentation reasonably necessary to determine the environmental impact of the project, and having reviewed Parts I, II, III of the EAF, as well as various supplemental material listed above, the Planning Board adopted a Negative Declaration under SEQRA, determining that there were no adverse environmental impacts associated with the development proposal that could not be mitigated; and

WHEREAS, the Planning Board after having reviewed the Coastal Assessment Form and supplemental material as well as a memo from the Village Planner dated April 1, 2016 determined on April 11, 2016 that the Project is fully consistent with the policies of the Village’s Local Waterfront Revitalization Program (“LWRP”) pursuant to Chapter 342 of the Village Code; and

WHEREAS, the Planning Board is familiar with the Property and all aspects of the proposed action and has been satisfied that the proposed site plan will conform to the requirements of the Village Code:

NOW, THEREFORE, BE IT RESOLVED that the Site Plan application submitted by Montclare Apartments LLC to construct a 3-story, multi-family apartment building consisting of 48 units with parking at ground level underneath the building at the premises known as 6 North Midland Avenue, Nyack, NY as reflected on the set of approved plans listed above including the site plan dated November 18, 2015 and last revised March 17, 2016 is hereby granted, subject to the following conditions:

1. The Applicant shall pay all outstanding consultant review fees in connection with Planning Board review of this application prior to the issuance of a building permit.
2. Prior to the issuance of a building permit, a *Stormwater Management Agreement* for the stormwater management facilities related to the development of the Montclare Apartments at 6 North Midland Avenue, in form satisfactory to the Village Engineer and Village counsel, shall be fully executed and submitted to the Building Department with proof that the Agreement has been submitted for recording in the Rockland County Clerk's Office.
3. Prior to the issuance of any certificate of occupancy, the Applicant shall submit to the Building Department a copy of the fully executed *Stormwater Management Agreement* with proof of its recording in the Rockland County Clerk's Office.
4. If the Applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, insufficient sized piping or any other unusual circumstances or conditions that were not foreseen in the original planning, he shall report such conditions immediately to the Village Engineer. The developer may submit, if he so desires, his recommendations as to the special treatment to be given to alternate solutions to secure adequate, permanent and satisfactory construction. The Village Engineer, without unnecessary delay, shall investigate the condition or conditions, and shall either approve the Applicant's recommendations to correct the conditions, order a modification thereof, or issue her own specifications for the correction of

the conditions.

5. As described in the approved *Landscaping Drawing* prepared by Ronald Haelen, RLA, Landscape Architect dated February 15, 2016 and last revised March 17, 2016, all landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season at the owner's expense. Landscaping shall be maintained for the life of the facility. In the event that the Applicant intends to install outside decorative lighting on the Midland Avenue side of the property, it shall notify the Planning Board and shall consider any input that the Planning Board might provide. Nothing in this Paragraph shall require the Applicant to take any action in this regard and any such action is in the Applicant's sole discretion."
6. The proposed signage and striping as provided by Frederick P. Clark Associates, Inc. and approved by the Village Traffic Consultant has been added to the approved plans as requested. The proposed re-striping of the proposed accessible parking stalls and the revised location has been provided on the approved set of plans. The on-street parking, crosswalks and signage shall be implemented by the applicant with the review and approval of the Village of Nyack.
7. Based on the Village's Traffic Consultant's recommendation, the traffic signal timing should be changed for the Main Street eastbound approach to the intersection and a three second longer green arrow should be provided. This would reduce queuing on the Main Street approach. The Village should consider these changes to the traffic signal timing recommended by Frederick P. Clark Associates, the Village's Traffic Consultant.
8. Prior to the issuance of a building permit, the sewer design and details will shall be reviewed and approved by the Town of Orangetown Sewer Department and any required Rockland County Health Department approvals shall be obtained.
8. Residential parking for the Project will not be assigned. Applicant shall be allowed to designate parking spaces for guests.
9. All retaining walls over four (4) feet in height shall require structural calculations prepared by a Licensed Professional Engineer and shall be submitted to the Building Department prior to the issuance of a building permit.

VOTE:

Ayes: Klose, Voletsky, Jean-Gilles, Wilken, and Kestenbaum
Nays: None

PLANNING BOARD
Village of Nyack

Date: June 6, 2016

____ Peter Klose _____
Peter Klose, Chairman