

Members Present:

Peter Klose (Chairman)
Daniel Jean-Gilles

Peter Voletsky
Alan Englander Alternate
Don Hammond

Also Present:

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

Absent: Glen E. Keene

1. 76 Main Street Application to convert second floor office space to residential use and recommendation to Zoning Board of Appeals.

Building Inspector--1. ZBA granted area variances this is on for SEQRA resolution and Site Plan approval.

Applicant-- Kier Levesque-- Presenting for owner Girolomo Loconsole. Site Plan and SEQRA review.

RESOLUTION/DECISION OF THE VILLAGE OF NYACK PLANNING BOARD

STATE OF NEW YORK
COUNTY OF ROCKLAND: VILLAGE OF NYACK

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In the Matter of the Site Plan Application of
Girolamo Loconsole

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RESOLUTION/DECISION

WHEREAS, the Planning Board of the Village of Nyack has noticed two Public Hearings with regard to the Site Plan Application of Girolamo Loconsole to convert second floor commercial space to residential space at the premises known as 76 Main Street, Nyack, NY 10960 via a Site Plan dated August 20, 2012, and revised October 24, 2012;

WHEREAS, during its October 2012 Meeting, the Village of Nyack Planning Board made and adopted a resolution regarding the project, stating its intent to declare itself “Lead Agency” for the purposes of a review of the project under Article 8 of the Environmental Conservation Law (“SEQRA”):

WHEREAS, such resolution found as follows:

1. That the proposed Site Development Plan was subject to SEQRA (NYCRR §617.6[a][1][i]) as an “Unlisted Action”.
2. That the proposed Site Development Plan did not involve a Federal agency (NYCRR §617.6[a][1][ii]).
3. That the proposed Site Development Plan did not involve one or more other agencies (NYCRR §617.6[a][1][iii]); since an “Involved Agency” is defined by NYCRR §617.2[s] as an agency that has jurisdiction by law to fund, approve or directly undertake an action.

4. That the proposed Site Development Plan was preliminarily classified as an Unlisted action which is subject to SEQRA.
5. That the proposed Site Development Plan was not located within an agricultural district (NYCRR §617.6[a][6]).
6. That it was the intention of the Planning Board to establish itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA);

THEREFORE BE IT RESOLVED, that the Planning Board hereby establishes itself as the Lead Agency for the purpose of review of the proposed action under the provisions of the State Environmental Quality Review Act (SEQRA), and makes the following findings under NYCRR §617.7[c] with respect to the impact of the of the Site Development Plan of Girolamo Loconsole, and finds as follows:

a. That the Board has reviewed the EAF prepared in relation to the Site Plan Application of Girolamo Loconsole with a view to identifying potential environmental concerns, and specifically adopts the findings of the Nyack Building Department (who completed Part 2 of the EAF) that the impacts on land, water, air, plants and animals, aesthetics, open space and recreation, transportation, noise and odor impacts, public health, and the character of the neighborhood, would be either non-existent or small to moderate.

b. The Planning Board referred the application to the Village Planner for an opinion as to the residential density proposed by the applicant. The report and findings of Village Planner are attached hereto, and incorporated by reference in this resolution.

c. The Planning Board asked the Building Department to research the existing stock of apartments in the Village of Nyack with a view towards identifying similarly sized units with that proposed in the application.

d. That the proposed Site Development Plan will not create any hazard to human health.

e. That the proposed Site Development Plan will not result in an immediate impact on the physical construction of any existing projects pending before any land use Board (or other approval agency) in the Village of Nyack as specifically relates to the quality of land, water, or air affected by such project. Furthermore, the proposed Site Development Plan will not result in any substantial adverse change to the existing ground or surface water quality or quantity in any future land use application.

f. That the proposed development of the site is in keeping with the goals and recommendations of the draft Comprehensive Master Plan for the Village of Nyack.

g. That the ZBA has reviewed this unique application and has approved a limited and unique area variance in this particular location be conditioned upon the clearly stated

condition of occupancy that only three (3) residential units are permitted and the forth space identified as office be limited to that particular use

BE IT FURTHER RESOLVED, the Village of Nyack Planning Board, based upon the findings made under the criteria set forth in NYCRR §617.7[c], the EAF filed relative to the action under consideration, and upon the record pertaining to the Site Plan application of Girolamo Loconsole, finds and determines that:

- 1) The action taken herein is an Unlisted action subject to the requirements of SEQRA;
- 2) The Planning Board is in possession of all information reasonably necessary to make the determination as to the Environmental significance of the proposed Site Plan Application.
- 3) That this action shall not have any significant impact upon the environment and declare that a Negative Declaration is determined with regard to this action on the grounds set forth above.

Adopted at a regularly scheduled meeting of the Nyack Planning Board held on December 3, 2012.

Public-- None

BOARD

SEQRA-- this is an unlisted action-- needs to have an EAF-- Planning board has adopts the foregoing resolution and issues a negative declaration. (Second by Hammond, Vote 5-0, approved). The Building Inspector will complete the two page EAF form and this application will proceed.

Other Business:

A motion was made by Chairman Klose, seconded by Member Voletsky, to accept the November 1, 2012 minutes. Passed 5-0.

Discussion was made concerning a report prepared by the Planning Board relative to Textual Amendments of the DMU zone. Hammond seconded referral to the Village Board, and vote 5-0.

The meeting was adjourned at 8:00 PM.