

Members Present:

Peter Klose (Chairman)
Daniel Jean-Gilles
Peter Voletsky
Ted Sestak
Alan Englander – alternate

Also Present:

Walter Sevastian, Village Attorney
Don Yacopino, Building Inspector

Absent: Glenn E. Keene - alternate member
Don Hammond

Called the meeting to order at approximately 7:35 p.m.

1. 28 High Avenue. Joseph Kandoth. Site plan application for addition and recommendation to Zoning Board of Appeals.

Building Inspector- Currently a two family house in TFR Zoning district. Site plan application for addition and recommendation to Zoning Board of Appeals. Proposal is for a two story rear addition, several porches and conversion from a two family to single family residence. Variance is required from Article V VON§360-4.3 Dimensional Standards Table 4-1 and from Article I VON§360-1.9E for horizontal extension of a building that is nonconforming with respect to the following dimensional and developmental standards: Lot Area of 3216 sq.ft. where 5000 sq.ft. is required; Lot Width of 40 ft. where 50 ft. is required; Front Yard of 11.4 ft. where 16.08 ft is required; Side Yard of 3.6 ft. where 5 ft. is required; Building Height of 3 stories where 2 stories is permitted. Variance is also required for proposed FAR of 0.72 where 0.43 is permitted. Current proposal reflects results of December 5, 2011 ARB workshop with Mr. Kandoth.

Applicant is an architect and local homeowner, seeks addition to pre-existing non-conforming home. Addition complies with all setbacks, etc. He is before the Board for a recommendation to the ZBA to allow variances because he is merely adding the addition to the rear of his already non-conforming home. Under the new code, we are required to consider the variances and are inclined to grant these minor variances in this limited case because the addition meets all building and zoning requirements, and because there is no real change in the look and feel of this house from the street, views, etc.

There is an aerial diagram showing that this is the smallest house block which has been added to the record. The height has been cleared by ARB and appears to be on line with all of the other houses on the street. Attic house – 140 foot attic space existing first and second – building code does not require him to add sprinklers—because it is pre-existing. PB recommends that he add the sprinklers to third floor.

Applicant agrees that all lighting will be down facing.

A Tree of significant size will be coming down-- to be added to site plan. Applicant will add additional landscaping to be appropriate.

SEQRA—unlisted action.

Extension is two stories and 500 square foot – Height of the house is three feet Addition meets all of the requirements. Addition is two stories with a deck on back-- turning two family house to one family house-- whole house – turn—within zoning other than non-conforming.

Chairman Klose suggested that the applicant must affirmatively address the Storm water both with the Building Inspector and the Village Engineer and prove that there is zero net runoff and that there are no illegal hook ups. Planning Board does not want existing drainage going into the public sewers, Alternate Englander suggested that the leaders go to a cistern-- question of impervious surface-- dry well in the rear yard-- footing drains – recommendation that the applicant speak to the Engineer.

Letter from Village Engineer relative to site issues dated January 6, 2012-- Applicant will address on the plans before construction permit.

Public Comment/Discussion

Aerial #1—added to record, no objections.

Resolutions-

Variances Motion to close public by Chairman Klose. Second by Member Voletsky. Passed 5-0.

Site Plan Motion by Chairman Klose to accept drawings dated 8-28-11 with revisions 12-9-11 Sheets C-1 through A1-A9 S1 and S2 (drawings), subject to reasonable conditions of the ZBA and ARB, storm water approval by Village Engineer (zero net increase) and no illegal hookups; down facing lighting; install appropriate landscaping to mitigate loss of tree; incorporate village engineer recommendations from letter dated January 6, 2012, and subject to reasonable conditions imposed by Building Department. Second by Member Sestak. Passed 5-0.

2. 28 Route 59. Jorel Vaccaro for Seth Marks. Site plan application to convert restaurant to a used car dealership.

Building Inspector-- Application complies with Zoning Code. Copy of site plan has been forwarded to NYS Department of Transportation, NYS Thruway Authority, Brooker Engineering, Town of Clarkstown and Rockland County Department of Planning for comment. Comments not received as of 1/06/2012.

Applicant by Spencer Lauterbach-- Seath Markes Joel Vaccarro-- not looking to apply for a change of use Building inspector will the use – Corrected

SEQRA— Negative Declaration needed by the Planning Board—Village Attorney to prepare a resolution.

Applicant wants to remove one of the entrances—eastern access point on route 59. The plans were not specific as to the recommendations. Chairman Klose concerned about the left hand turns, screening, and access to the lot from Route 59.

Letter from Village Engineer relative to site issues dated January 6, 2012

- The proposed project indicates seven proposed parking stalls based upon a retail space of 1276 SF. Detailed architectural plans of the interior of the structure are not provided thus this figure cannot be confirmed.
- The applicant shall provide testimony regarding any proposed modifications or enhancements to the structure.

- Handicapped parking shall be designated.
- As the proposed use of the site will be as an auto dealership the area intended for display and/ or storage of the vehicles shall be delineated on the site plan.
- The application states no improvements or changes will be performed to the site. The site is in a state of dis-repair. Improvements are needed to the pavement as well as the addition of landscaping and replacement of some fence.
- Any area not designated for parking, aisle or vehicle display (as noted above) shall be suitably landscaped.
- Existing site lighting has been indicated on the plan but it does not demonstrate that sufficient levels of lighting are provided in the vicinity of the parking stalls. Additionally, a typical auto dealership provides a high level of lighting in the vicinity of the vehicle display area. This is not addressed on the plan.
- A lighting and landscaping plan shall be provided.
- The applicant shall provide testimony as to how vehicles will be delivered to site. If car carriers are anticipated where will they off-load vehicles?
- Is any signage proposed? If so, it should be indicated.
- The method of handling trash shall be testified to and a trash enclosure added to the plan.
- All site details shall be provided.
- A NYSDOT permit is required.

Letter from DOT – Raised much of the same issues, and the applicant shall return next month with additional detail and applications having been made.

Public Comment/Discussion

Board agreed that property maintenance should be addressed on the site plan.

Resolutions-

Application remains open for next month.

3. Proposed amendments to VON Zoning Code.

Building Inspector-- Nyack Village Board is proposing amendments to zoning code regarding FAR requirements if residential zoning district, Outdoor Dining and Sidewalk Café hours of operation and Notice Requirements applicable to certain land use applications.

SEQRA—unlisted action—action by a municipality.

Board carefully considered the issues. Agreed with elimination of the FAR on the ground that most of the lots in Nyack are too small to support the huge houses.

Board agreed that a Certificate of Mailing should be added to the code as sought, but followed the Chairman's suggestion to add mailing to the requirement for all applications before the Planning Board including the site plans and the demolition.

Board troubled by some of the suggested changes to the Sidewalk Café Permit law as proposed.

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Members are working on a report to the Village Board that considers the changes.

Other Business:

A motion was made by Chairman Klose, seconded by Member Voletsky, to accept the December 2011 Minutes. Passed 5-0.

The meeting adjourned at 9:30 PM.