

Members Present:

Peter Klose (Chairman)
Daniel Jean-Gilles
Peter Voletsky
Alan Englander
Glen E. Keene

Also Present:

Walter Sevastian
Don Yacopino, Building Inspector

Bob Galvin—Village Planner

Absent:

Prior Minutes-- A motion was made by Chairman Klose, seconded by Mr. Voletsky, to approve the Planning Board minutes of the March 3, 2014 meeting.

Passed 4-0.

1. ***140 Main Street. Eric Fisler for Hudson Bountly. Request for recommendation to Zoning Board of Appeals for a parking variance. Property is in DMU Zoning District. Proposal is to convert a take-out restaurant to restaurant requiring additional parking.***

PARKING

Per Article IV VON§ 360-4.5B (3), the owner must provide (or receive a variance for) parking equal to the difference between the parking requirement for the existing use and the parking requirement for the new use.

Most recent use was a 1,475 sq/ft Take Out Restaurant requiring 5 parking spaces.

Proposed use is a 1,475 sq/ft restaurant requiring 10 parking spaces. A variance for 5 parking spaces is required

Applicant did not appear and the application remains open.

2. ***132 Main Street. Robert Silarski. Continuation of Site Plan application to expand the use of existing building, and request for recommendation to Zoning Board of Appeals. Property is in DMU Zoning District. Proposal is to expand second floor space and create a third floor for residential uses. A third floor, 38 feet in height, is permitted in DMU.***

Per Article I VON§360-1.9E an area variance is required from Article IV VON§360-4.3, Table 4-1 Dimensional standards, for the alteration/enlargement of a building with an existing 0.0 foot rear yard setback, where 15 feet is required.

Per Article IV VON360-4.3, Table 4-1 Dimensional Standards, area variances are required for: FAR of 2.32 where 2.0 is permitted; 6 Dwelling Units where 2 are permitted and 2 Dwelling Units of less than 600 sq./ ft. where 600 sq. /ft. is required.

Per Article IV VON§360-4.5B(3) Table 4-2 Minimum Parking Requirements an area variance is required for 5 parking spaces where 2 spaces are provided and 7 spaces are required.

PARKING:

Per Article IV VON§ 360-4.5B (3), the owner must provide (or receive a variance for) parking equal to the difference between the parking requirement for the existing use and the parking requirement for the new use.

The current use of two one bedroom apartments requires 2 parking spaces. The proposed use of six dwelling units will require 7 parking spaces. A variance is required for 5 parking spaces

Background Information-- The applicant appeared before the Planning Board on October 7, 2013, November 4, 2013 and March 3, 2014. The application has changed significantly to the current proposal.

In a memorandum dated March 3, 2014, the Village Planner reviewed the previous application.

The previous application was for the demolition of the two existing apartments on the second floor and conversion into event space. The review of the Planning Board and analysis by the Village Planner highlighted a number of potential impacts such as noise, safety, etc. Underlying this was that the elimination of residential units was not in conformity with the Village's Comprehensive Plan (2007) which recommended that the Village "Promote residential and artist live/work space in the downtown area". In response to the Planning Board's concerns, the application has now been revised to the creation of six residential units on an expanded second floor and a new third floor. This revision is in keeping with the goals of the Village's Comprehensive Plan.

The applicant's premises are located at 132/132A Main Street in the DMU District. The building consists of a bar/restaurant on the first floor with two existing one bedroom apartments on the second floor. Instead of the previous event space on the second floor, the Applicant now proposes to demolish the two existing one-bedroom apartments on the second floor and extend the second floor 25 feet to the north and add a new third floor to the existing building. This will create a total of six residential units including a new efficiency unit and two one-bedroom units on the second floor and three new one bedroom units on the third floor. The efficiency unit would be 446 square feet with the remaining one bedroom units at approximately 490 square feet. The Village Board is currently reviewing the minimum unit size for efficiency units, changing the size to 450 square feet. The current size of 600 square feet would still be in effect for one bedroom units.

The proposal is located in the DMU district and borders on the TFR district at the rear. The first floor extends to the TFR district with no setbacks. The second floor will be extended an additional 25 feet to the north with a third floor added to the existing building. These two floors will be

approximately 40 feet from the rear property line. While the property to the rear is in the TFR district, there are no existing residential units in close proximity. The land use at the rear includes open space parking and accessory sheds. The rear exterior of the existing second floor on the applicant's property is in poor condition. The redevelopment of the second floor and addition of a third floor presents the opportunity to modernize and upgrade the property's residential units. It also allows for an improved exterior appearance at the rear of the property and the ability to more closely match the existing brickwork fronting on Main Street.

Applicant Mr. Silarski stated that this is a pre-existing, non-conforming situation created years ago.

Planning Board The Chairman indicated that there have been no public objection to the existing footprint, and the project involves no change in the layout, character or nature of the building nor does it have an impact on the neighborhood.

Applicant Mr. Silarski indicated that the project includes three (3) separate variances. (A) The efficiency apartment will be brought to the 450 minimum square feet, but applicant would like to have the flexibility to create the remaining six (6) units in the style that is best suited for the layout and market. He noted that one unit will be larger than the 600 square foot required and therefore needs a variance from the 600 square foot HUD requirement for size of one bedroom apartments; (B) The variance from the FAR is only 14% above the permitted FAR; (C) the owner is asking to increase the density to permit six (6) residential units where only two would be permitted (under the current 30 units per acre)

Planning Board After much discussion with the Village Planner, review of the entire project, notations for the improved lot, the movement away from the prior plan to remove event space above the existing bar, the nearly perfect match between the *Comprehensive Master Plan (CMP)* and the goals of the Village to improve the downtown with additional residential use, the board was inclined to encourage this particular project on Main Street.

Building Inspector--Per Article IV VON§360-4.5B(3) Table 4-2 Minimum Parking Requirements an area variance is required for 2 parking spaces where 7 spaces are required.

Parking Variance

Applicant For the reasons set forth above, applicant wants to have a residential based variance from the parking requirements recognizing that this is a walking village and the proposed units are one bedroom.

Planning Board The Variance required from the parking law—Minimum Parking Requirements. The following excerpt from the *Comprehensive Master Plan* regarding parking was placed into the record:

***“Comprehensive Master Plan- page 13.- Parking** Issue among both residents and businesses alike. A quarter of residents surveyed indicated that parking regulations and the lack of parking are what they like least about downtown Nyack. Nearly 60 percent of residents and over two-thirds of merchants rated the availability of parking in downtown as poor or very poor. Of those few merchants who complained about a loss of customers in the past five years, most attributed the cause to parking problems. However, residents and businesses were not so aggravated as to rank parking improvements over other spending priorities. Also, residents and businesses differ as to whether the construction of a garage is the solution to the perceived parking problems. The public submitted comments during the Public Hearing process suggesting that the Village Board consider reconciling a recent parking study commissioned by the Village Board with the language of the **Comprehensive Master Plan**. This issue may warrant further more detailed analysis. Strengthen regulations for bars and outdoor dining to address concerns such as noise, crime and proximity to residences. Nyack increasingly has become a nightlife destination for Rockland County and nearby areas. While bar and restaurant patrons generally are responsible and add to downtown's vitality and economic health, there are impacts on adjacent areas from rowdy patrons as well as increased traffic and parking demand. Noise is a particular concern where bars are located in proximity to residential uses. Zoning regulations should be tightened to address these concerns.*

The Nyack Destination Parking Study found that there are 280 curbside parking spaces, and a demand for 355 spaces. The goal should be to increase on-street

*parking by 75 spaces. It is stated goal of the **Comprehensive Master Plan** is to advance business interests in the downtown, especially on lower Main Street and the feeder streets off Broadway. It is another stated goal of the **CMP** to enhance the mixed-use character of downtown and to maintain a diverse mixes of land use.*

In this case, the applicant will endeavor to show other parking possibilities, but admitted that there are no real alternatives. In light of the increased residential use of the property, and the comments by the Village Planner, it appears that a parking variance limited solely to residential use variances might be appropriate.

The Board questioned the applicant about water removal solutions, the Applicant will improve all of the water drainage solutions, was referred to the density credits that might be available, and encouraged the use of green alternatives including a living roof. Applicant will review those alternatives, improve the Site Plan and return in April for Site

plan review

Public comment on the Site Plan was NOT closed, and further discussion and review with the input of the ZBA and ARB will be considered.

Board Actions and Resolutions:

SEQRA The proposed action is an Unlisted action under SEQRA. Based on the Planning Board's exercise of its site plan review authority, the Planning Board declared its intent to be lead agency for SEQRA. Upon Motion by Chairman Klose, seconded by Mr. Voletsky, the Planning Board declared its intent to be Lead Agency for this application, and these minutes will constitute such Notice. Passed 5-0

The Planning Board reviewed, with the assistance of the Village Planner, the short form EAF, and aside from the *de minimis* impact upon local on street parking, this proposed action does not appear to result in one or more significant environmental impacts requiring the determination to conduct further environmental analysis. Therefore, the Planning Board, upon its review of the EAF and the application, on motion by Chairman Klose, seconded by Mr. Englander hereby issues a Negative Declaration for this action. Passed 5-0

The Board can either wait for the completion of the ZBA process or act at this meeting.

Planning Board Recommendation for ZBA Variances

For the following reasons, the Planning Board resolves to issue a POSITIVE RECOMMENDATION to the Zoning Board of Appeals. After considering the variances being sought (the various votes by the Members are set forth above), the Planning Board feels that, on balance, the applicant's revised approach toward residential instead of event space is a response to the Board's insistence on the proposal being in line with the goals of the *Comprehensive Plan*. The focus on providing residential units is a positive revision. Moreover, the applicant's proposal of six units is an attempt to realize the economic payback of the previous proposal as outlined in the applicant's Economic Analysis (November 2013); the redevelopment of the second floor and addition of the third floor retains the character of the surrounding mixed use area. The opportunity is provided to upgrade and modernize the property's apartments, and add to the Village's housing stock downtown. The proposal should improve the exterior of the building. The proposed extension is still some 40 feet distant from the rear TFR zone. The land use at the rear does not include residential units in close proximity and comprises open space parking and accessory sheds (in poor condition). The proposed

density is in conformance with the initiatives currently being reviewed by the Village Board. It should be noted that under the zoning changes, the applicant would need to provide sustainability in exchange for density bonuses, and the applicant has agreed to increase the efficiency unit to 450 square feet (only by four square feet to attain the proposed efficiency unit size). Any proposal for this property's expansion would require a parking variance. The proposed residential use instead of retail may allow for the obtaining of decal or permit spaces for the residential units. As a general rule, the applicant should explore options and provide the information as part of any ZBA application.

By motion of Chairman Klose, seconded by Mr. Voletsky, the Planning Board recommends the following area variances to the ZBA:

- the addition of the third floor will result in a total FAR of 2.28 where a maximum FAR is 2.0;
- existing density requirement is 2 units where 6 are being proposed;
- under 360-1.9E of the Code, the enlargement of the second and third floors will require a variance since there is an existing zero rear yard setback, where 15 feet is required abutting a residential zone;
- dwelling units provided are below the minimum unit size: 446 square feet for the efficiency and 490 square feet for the remaining 5 one-bedroom units; and
- parking variance required for 2 parking spaces where 7 are required.

LWRP

With the assistance of the Village Planner, the Planning Board has reviewed the Coastal Assessment form (CAF) and the Village's LWRP policies; upon the Motion of Chairman Klose, seconded by Mr. Jean-Gilles, the Planning Board hereby finds that this project, located more than 500 feet away from the Hudson River and its location in the downtown commercial core and the Board's review of the CAF, the Planning Board has determined that there are no applicable LWRP policies and therefore the proposed action is consistent with the Village's LWRP. Passed 5-0

The Planning Board asked Mr. Silarski about drainage on the property. Mr. Silarski discussed the drainage. The property's drainage is non-existent; it runs down drain pipes. The small parcel to the north is under the ownership of the present building ownership; the seepage pit on adjacent property would be capable of providing drainage for the project. A separate easement agreement would be required to place the seepage pit on this parcel.

Public Comment There was no public comment.

Mr. Voletsky moved to close the public hearing, seconded by Mr. Jean- Gilles.Passed 5-0

Resolution moved by Chairman Klose, seconded by Mr. Voletsky to approve the site plan dated March 24, 2014 consisting of 2 pages, subject to ARB and ZBA approval and drainage easement agreement acceptable to Village Attorney. Passed 5-0.

3. *59 South Broadway. Nyack Library. Site Plan application for a subdivision and Special Permit (Per Article V VON§360-5.9A) regarding the consolidation of lots. Property is in DMU and OMU Zoning Districts.*

§ 360-5.9 Special Use Permits

A. Purpose and applicability. This section provides for the review and approval of special permit uses, as identified by Table 3-1 of this chapter [1], by the Zoning Board of Appeals. Such uses typically have unique or widely varying operating characteristics or unusual site development features. While they may be appropriate in a given zoning district, the procedure below encourages public review and evaluation of the specific characteristics of the proposed use and the site in order to assure that proposed special permit uses are in harmony with this chapter and will not adversely affect the surrounding neighborhood or the community at large. In addition, the merger of two or more lots requires a special permit approval

Subdivision application for consolidation of four lots to three lots, as required by Article IV VON§360-4.13F (2). Proposal is to relocate lot lines creating three separate lots to accommodate three separate structures and to incorporate parking lot into lot containing library building. Once accomplished, Library would petition Village Board to have area consisting of parking lot incorporated into DMU Zoning District.

Article IV VON§360-4.13F (2): Subdivision Design Standards

Consolidation of lots - Subdivision approval shall be required for the merger or consolidation of lots. Applicants seeking to consolidate lots shall demonstrate that such consolidation will not result in lot sizes that are inconsistent with the established character of the surrounding area. Such applications shall be viewed more favorably in nonresidential areas located along state highways and less favorably in residential and/or more densely developed areas.

The effect of this proposal would be the creation of lots nonconforming to dimensional and developmental standards, requiring at least ten (10) variances.

Proposed Lot#7: Variances would be required for the following:

- **Minimum Side yard of 0.7ft. where 5ft is required.**
- **Minimum total of both side yards of 2.4ft. where 5ft'is required.**
- **Minimum 15ft. setback required above first floor where 0.0ft is proposed.**

Parking for both restaurant and dwelling units. Article IV VON§360-4.13F(1)(b) (Subdivision Design Standards) requires lots to accommodate off street parking.

Proposed Lot #8: The existing building to the north is on the rear lot line.

A variance is required for a 0 ft. setback above the first floor where 15 ft. is required. A March 28, 2005 parking variance (included) appears to indicate parking has been satisfied for the library structures.

Proposed Lot #11: Variances would be required for the following:

- **A variance will be required for a rear yard setback of 1.2 ft. where 25 ft. is required.**
- **A variance will be required for a building height of 2 1/2 stories where 2 stories are permitted.**

A parking variance will be required. Although a parking lot is proposed if and when the building is sold, it is not being provided at this time. Article IV VON§360-4.5E(2) (Parking and Loading) does not permit parking in the front yard. Three cars are designated to be in the front yard with this design. If considered for approval, a variance would be required for front yard parking. Although the proposed driveway appears to be 50 ft from the corners at Depew Ave and Hudson Avenue, the intersection at Hudson has been so problematic that three way stop signs have been installed within the past year.

VON§360-4.2B(3)(e) provides an exception from intrusion into required front yard for covered porticos not more than 8ft. wide, not projecting more than 6ft. into front yard, which does not apply in this case since the covered portico is in the rear yard. Furthermore, if the applicant's desire is realized and the parking lot were to be included in the DMU Zoning District, VON 360-4.2B(2) states "Where the side or rear of any lot abuts a district boundary line, the abutting rear or side setback shall have the dimensions required by the more restrictive of the two adjoining districts". In this case, the requirements of the OMU would prevail and a 25ft. rear yard setback would be required where currently 1.2ft. is proposed between DMU and OMU Districts.

For fire and life safety reasons, the Building Code of New York State regulates where buildings are located on the property with respect to property lines, as well as the type of

construction and exterior wall material within 5ft. of the property line and openings, such as doors and windows, permitted in exterior walls.

Briefly: Exterior walls between 0 ft. and 10 ft. from the property lines must have a 1 hour fire resistive rating which these old wood clad buildings do not have. No openings are permitted in walls 3 ft. or less from the property line. No unprotected openings are permitted in exterior walls between 3 ft. and 5 ft. from the property line. Only 15 percent of exterior wall area is permitted to have protected openings when it is located between 3 ft. to 5 ft. from property line. With the proposed subdivision several walls of these buildings will be either on or less than 3ft. from the property line, with window openings. The New York State Department of State has informed the Building Department that the moving of property lines is considered a minor subdivision by them which do not generate compliance with the requirements of the Building Code. However, the dangers addressed in the Building Code to life and properties still exist.

Article IV VON§360-5.8A states, among other things, “that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire flood or other menace...”

Every issue described herein has been discussed with applicant and survey engineer at two separate pre-submission meetings. Chairman Klose expressed his recollection that all of these issues were specifically negotiated and addressed during the Library’s prior expansion of the property to enlarge it’s footprint. The hardships were specifically created by the Library in making it’s prior applications.

Letter dated March 4, 2014 received regarding parking lot. The purpose is to confirm to use. The applicant is seeking to create a saleable lot-

SEQRA-- The applicant has been requested to review the former site plan approvals and ZBA minutes. A memo from Eve Mancuso of Brooker Engineering has been received for review by the Planning Board. Chairman Klose declared this matter as a Type I action and made a motion to declare the Planning Board as lead agency, seconded by Mr. Voletsky. Passed 5-0
The applicant shall submit a long form EAF if not already done so.

4. ***251 North Midland Avenue. Kier Levesque for Nyack Community Ambulance Corps (the “Corps”). Subdivision and Special Permit applications are required for the consolidation of lots, area variances, change of use and recommendation to Zoning Board of Appeals. Property is in TFR Zoning District.***

Applicant seeks to combine two adjacent properties. In so doing, area variances will be required from Article IV VON §360-4.3 Dimensional Standards Table 4-1 for:

- **Three front yard setbacks of 19.6 ft (Sixth Ave.), 19.9 ft (West End Ave.) and 39.6 ft (Midland Ave.) where 66.7 ft is required;**
- **Minimum Side Yard Setback of 4.9 ft where 27.5 ft is required;**
- **Minimum Total Side Yard Setback of 28’1 ft where 82.5 ft is required;**
- **Minimum rear yard setback of 10.4 ft where 27.3 ft is required; and**
- **Maximum Accessory Building Coverage of 7.6 percent where 7 percent is permitted.**

Additionally, while not for profit ambulance facilities are permitted in TFR with a Special Permit required, an area variance is required from Article IV VON§360-4.3 Dimensional Standards Table 4-1 for a four family dwelling where two family dwellings are permitted.

VON§360-3.2E(9) imposes occupancy restrictions on Apartments Accessory to Ambulance Facilities. Section (a) prohibits children from the apartments. Applicant requests vacating that requirement with Planning Board approval, variance or, perhaps, a text change from the Village Board to the ordinance per VON§360-5.6C(1)

Kier Levesque, architect for the applicant, discussed 1) sub-division for Ambulance Corps.; 2) various variances, dissolution and 3) two-family residence as an accessory use to the Ambulance Corps. The Village amended the zoning code to add accessory uses to ambulance facilities. The model was Stony Point ambulance and provision for accessory apartments. This application seeks to add two additional apartments which are accessory to the ambulance corps and remove the restriction on children in the apartment. The Corps may look to build a new building in the future and would need the two additional apartments. The Corps is trying to remove the children restriction either through a zoning variance or text amendment. The applicant is looking for a recommendation as to the best way to proceed.

Applicant is not increasing the size and/or footprint of the building, rather the applicant is looking for a use variances (from two family to 4 family) or a text amendment.

The Village Planner indicated that he reviewed the plans and other submitted material. He commented that the existing 2 family dwelling still requires a use variance. Applicant appears to be

looking to legalize a four family apartment.

Chairman Klose expressed concerns about the future intended uses of this property and the potential that the combined lot would be expanded. The use of that particular corner does not read as commercial, and it would create a real change in the feel for the north side of Sixth Avenue.

Public Comment -- Roslyn Corsin, a resident, thinks that the applicant is looking to renovate a two family to make it a legal four family. This would be an internal restoration. She had a question regarding the consolidation of two lots and the issue of the adjacent property being an “accessory lot”. The Building Inspector stated that he is not sure that the accessory use is required to be placed on the same lot. The Corps may want a bigger lot for purposes of building. The applicant is looking for a larger building with minimal impact of a four-family residence.

Application (Village Planner Memorandum)

The Applicant, Nyack Community Ambulance Corps (“NCAC” or “Corps”), is seeking a subdivision to merge two properties owned by the Applicant. The first property which houses the ambulance facility is located at the northeast corner of North Midland Avenue and Sixth Avenue. The second parcel is adjacent at the intersection of West End Avenue and Sixth Avenue. This second lot has one two-family dwelling used to house NCAC volunteer families. The second lot is directly across Sixth Avenue from three story garden type apartments extending along Francis Avenue. Around the corner from the second lot, land use along West End Avenue consists of primarily single family residences. Both lots as well as the surrounding neighborhood are zoned TFR. This includes the non-conforming garden apartments along Sixth Avenue and Francis Avenue.

The first lot with the ambulance facility is 18,750 square feet and has a 1 ½ story building and garage with 16 parking spaces. The second lot with the two-family residences has 6,250 square feet and 5 parking spaces. The merger of the two lots would result in a 25,000 square foot property and a total of 21 parking spaces. The total parking requirement for the merged lots would be 16 spaces.

The merger of both lots would allow the residential building on the second lot to be considered an accessory use to the property’s principle use as a non-profit ambulance facility. The area variances requested appear to be of a de minimis nature and the Board could provide a positive recommendation, if it decides to do so. The subdivision and special permit would also be appropriate as long as the Planning Board is satisfied subject to the following conditions as found in Chapter 360 3.2 E (9), if not completed previously:

- *Planning Board shall require appropriate deed restrictions or covenants to ensure occupancy of the apartments accessory to the ambulance facility be limited to emergency ambulance volunteers actively associated with NCAC and their spouses.*

Restriction on Children in Accessory Apartments (from Village Planner Memorandum)

The Village Board in enacting the allowance of accessory apartments for ambulance facilities in 2012 included occupancy restrictions related to children. The Board made a legislative restriction that “reasonable restrictions shall be required to prohibit children from the apartments given the on-site hazards associated with ambulance services and equipment.”

The ambulance facility and apartments are located on two separate properties. There appears to be a distinct separation from the apartment occupants and the nearby facility and the associated trucks and equipment. The Board of Trustees’ intent to provide such restrictions to keep children safe from the ambulance facility’s potential hazards would be highly appropriate if such apartments were on the same lot and in close proximity to the facility. This is not necessary in the current situation and may be appropriate for the Planning Board to make a positive recommendation to the ZBA. In the present case, it would be more appropriate for the ZBA to review and provide this relief as opposed to the Planning Board or pursuing any legislative changes.

However, the Village Planner opined for the Planning Board that the exclusion of children from such volunteer housing may be very difficult to enforce and administer. For example, if a family with an active volunteer has children after they move into an accessory apartment, can or should such family be forced to move out.

Use Variance for four-family Residence (from Village Planner Memorandum)

The existing two-family residence is on a smaller corner lot with essentially no back yard. While the lot is sufficient for a two family dwelling, the lot size and lack of a back yard would not appear to adequately support a four-family dwelling, especially with younger children. The minimum habitable area per unit in the TFR is 750 square feet. The merger would result in 950 square feet per unit. The merger would technically satisfy the minimum dwelling unit size but it does not alter the existing lot dimensions for occupants. The applicant has not provided information on the configuration of such units and how they could work on the site.

Moreover, although the change to a four-family residence would not be in conflict with the 3-story apartments across Sixth Avenue, it would appear not to be in conformity with the nearby residences on West End Avenue. A use variance is akin to a rezoning. Therefore, there is a significantly higher threshold that needs to be met by the applicant for a successful appeal to the ZBA.

SEQRA The Planning Board has received responses from the Town of Clarkstown which indicated that the application was a matter for local determination. However, the Board has not yet received a response from Rockland County Planning. Referral letters were sent out March 20th and the County has 30 days to respond. While the Planning Board is the only agency that can be the lead agency under SEQRA for this application, the Board may wish to wait the 30 days to see if there is any response forthcoming from the County.

The Village Planner reviewed for the Planning Board the short form EAF submitted by the

applicant. The Planner indicated that under SEQRA DEC regulations the proposed action is an unlisted action under SEQRA. Several minor comments on the Short form EAF provided by the Applicant:

- **The response to Q. 1 on page 1 should be marked *No*.**
- **Q. 2 on page 1 – *response should include variances from the ZBA***
- ***Part 2 should be filled out by the agency and not the applicant (having mentioned this, the Planner indicated that he does not disagree with the applicant's responses subject to review by the Planning Board)***

Coastal Assessment Form (CAF) *The applicant should fill out the CAF. Since this is an unlisted action, the Planning Board will need to make a determination of consistency with the Village's LWRP policies. This would happen after the Board makes their SEQRA determination. The applicant will need to submit a Coastal Assessment form which would be reviewed by the Planning Board vis-à-vis the Village's LWRP policies.*

The Planning Board requested the applicant to return after further review of the project and the requests for Use type variances.

SEQRA-- Chairman Klose noted that this was an Unlisted Action-- whereupon the Planning Board declared its intent to be lead agency. Chairman Klose moved the motion, seconded by Mr. Jean Gilles. Passed 5-0.

5. 49 Route 59. Howard Joseph. Application to demolish existing structure. Property is in CC Zoning District. See following notes for 51 Route 59.

Eli Josephs appeared on behalf of Hudson 59 LLC. The review of the application was combined with Item 6 below for convenience.

6. 51 Route 59. Howard Joseph. Application to demolish existing structure. Property is in CC Zoning District. Applicant is the owner of 49 and 51 Route 59, who proposes unspecified future improvement to the properties. The abandoned gas station site at 51 Route 59 is contaminated with fuel oils which must be remediated before re-development can occur. The request is to remove both buildings simultaneously as a cost saving measure.

Applicant received approval and positive recommendation to Planning Board from ARB on March 19, 2014 to remove structures at 49 and 51 Route 59.

Chairman Klose noted that these two applications, now being treated as one, are Type II actions requiring no further SEQRA review.

Chairman Klose moved to close public hearing on demolition applications #5 & #6, seconded by

Mr. Englander. Passed 5-0.

Chairman Klose moved that the Board grant the two demolition permits-- consistent with the permission(s) granted by ARB, seconded by Mr. Voletsky. Passed 5-0.

7. 10 Catherine Street. Jan Degenshein, architect. Site plan application for an addition and recommendation to Zoning Board of Appeals. Property is in TFR Zoning District.

Pre-existing nonconforming dimensional standards:

- Minimum lot area of 4,750 sq/ft where 10,000sq/ft is required;
- minimum lot width of 45 ft. where 75 ft. is required;
- minimum rear yard setback of 30ft where 31.6ft is required.

Per Article I VON§360-1.9E an area variance is required from Article IV VON§360-4.3 Table 4-1 for the alteration and enlargement of a building that is nonconforming to the above referenced dimensional standards.

Proposed grade changes are required to keep this structure from being considered a three-story building. Applicant represented by his architect, Mr. Degenshein, is working through design elements with the ARB but has received a positive recommendation to Planning and Zoning Boards for required variances.

Chairman Klose stated that this a Type II under SEQRA and not subject to SEQRA review.

Public Comment-- There was no public comment. Thereupon, Chairman Klose moved to close the public hearing, seconded by Mr. Englander. Passed 5-0.

Mr. Jan Degenshein is requesting a positive recommendation to the ZBA for variance to have a second story, pre-existing non-conforming use. There was one letter of support with no objections presented. Moved by Chairman Klose to approve a positive recommendation to the ZBA, seconded by Mr. Keene. Passed 5-0.

Chairman Klose moved that the site plan dated February 26, 2014 consisting of four pages be approved subject to approval by the ZBA and ARB and that applicant agrees to drain the roof downspouts to dry wells to retain some water and all exterior lighting be down facing, seconded by Mr. Englander. Passed 5-0.

Adjourn Meeting Motion to adjourn made by Chairman Klose, seconded by Mr. Voletsky. Passed 5-0. Meeting was adjourned at 9:30 pm