

Members Present:

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

Also Present:

Walter Sevastian
Don Yacopino, Building Inspector
Bob Galvin—Village Planner

Absent: 0

Other Business: A motion was made by Chairman Klose, seconded by Member Voletsky, to accept the May 5, 2014 Minutes. Passed 5-0.

1. **159 Main Street. Avida Bar. Continuation of site plan application for outside seating and recommendation to ZBA for parking variance. Property is in DMU Zoning District. Police Department, Village Planner and Fire Department have offered comments. Village Board has not commented.**

Village Planner: **Report Date:** 5/23/14

Re: 159 Main Street – Avida Wine Bar Site Plan Application.

Applicant-- Donald Brenner appeared before the Board and indicated that he was just retained, so he requested adjournment to review and consider the letters from the police and the planner-- put over to the next meeting--

Board-- NO ACTION-- Public Hearing remains open.

2. **32 Washington Street. Jeffrey Lane. Application for tree removal. Property is in TFR Zoning District. Narrative describing condition of tree submitted by applicant.**

Building Inspector --

Applicant-- Jeffrey Lane-- two Norway Spruces-- wants to remove them no arborist report. Wants to take down both-- wants to take down the one of the two trees and will likely replace planting.

Board-- No public objection to the plan and no comments.

Motion to close the public hearing by Klose, with second by Voletsky Vote by 5-0 to close hearing approved.

Board Actions and Resolutions:

With respect to SEQRA-- The proposed action is exempt from consideration under SEQRA. as a type II Action--

By motion of Chairman Klose [**Seconded by Jean-Gilles (approved by vote 5-0)**], and

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given that the planned improvements will enhance the neighborhood and not have any perceived detriment to the character of the neighborhood, the Planning Board resolves to GRANT the site plan application to remove the trees, and application dated June 5, 2-14 with appropriate and discretionary landscaping to be picked by the applicant.

3. 71 Third Avenue. Fritz Krakowski. Application to remove two trees. Property is in TFR Zoning District. Arborist's report included.

Building Inspector -- Indicated that these are essentially overgrown Sumac trees

Applicant-- wants to take down the sumac (*Anthyllis*) type of tree. Wants to take down the one of the two trees and will likely replace planting with other landscaping--and house caused by squirrels entering the house from these trees.

Board-- No public objection to the plan and no comments.

Motion to Close the Public Hearing by Klose, with second by Keene [vote by 5-0] to close hearing approved.

Board Actions and Resolutions:

With respect to SEQRA-- The proposed action is exempt from consideration under SEQRA. as a type II Action--

By motion of Chairman Klose [**Seconded by Englander (approved by vote 5--0)**], and given that the planned improvements will enhance the neighborhood and not have any perceived detriment to the character of the neighborhood the Planning Board Resolves to GRANT the site plan application to remove trees, and permit the Site plan and replanting goals date survey dated 12/10/13 subject to applicant replacing the landscaping with appropriate landscaping picked by the applicant.

4. 102 North Midland Avenue. Laura Weintraub. Application to remove four trees. Property is in TFR Zoning District. Arborist's letter included.

Building Inspector -- provided information

Applicant-- Laura Weintraub -- trees are too close to the house-- they have clogged both chimneys-- both corners are experiencing water migration. Wants to remove four (4) trees-- two are cedar and other two are leaning against the neighbors property at a 45 degree angle. Applicant submitted supporting letter from Timberline dated 6-16-2014. Applicant wants to continue the hedge and replace plantings and the overall result would appear to be an improvement to lot and neighborhood.

Board-- No public objection to the plan and no comments.

Motion to Close the Public Hearing by Klose, with second by Voletsky. Vote by 5 -0 to close hearing approved.

Board Actions and Resolutions:

With respect to SEQRA-- *The proposed action is exempt from consideration under SEQRA. as a type II Action--*

By motion of Chairman Klose [**Seconded by Voletsky (approved by vote 5 -0)**]. Given that the planned improvements will enhance the neighborhood and not have any perceived detriment to the character of the neighborhood the Planning Board Resolves to GRANT the site plan application to remove trees, and permit the Site plan June 19, 2014 subject to applicant remediating the landscape with appropriate landscaping picked by the Applicant, and consistent with mitigating stormwater run off.

5. ***15 Tallman Place. Kier Levesque for Alter. Site Plan application to install front yard fence greater than 42" in height and recommendation to ZBA for required variance. Property is in TFR Zoning District.***

Building Inspector--*Per Article IV 360-4.9 B(1)(a) front yard fences in TFR are limited to 42" in height.*

Applicant-- Two front yards and wants to install a fence greater than 42 inch fence -- wants to put in a six foot fence turn to the west and then meet it is set back into the property-- photos of the fence, sketched on the photos and it will be a wood double sided fence. Will not be taller than 33 feet of fence that is 72 inches set back. Plans date June 17, 2014 property should be sloping away.

Public-- Deborah Flacco-- wants to see the plan -- just touches the existing fence and stated no objection to the planned fence in the front year

Board-- there will be plantings in front of the fence. No public objection.

[Motion to close public hearing by Klose on Site Plan and Variance Applications (seconded by Jean Gilles, Approved by 5-0).

Board Actions and Resolutions:

Motion to close public hearing-- Klose, second by Jean Gilles- (5-0)-- hearing closed.

With respect to SEQRA-- *The proposed action is exempt from consideration under SEQRA Type II action*

Board Action-- By motion of Chairman Klose [**seconded by Voletsky, (vote 5-0) to recommend positive recommendation**] the Planning Board recommends the following area variance to the ZBA:

a- Per Article IV 360-4.9 B(1)(a) front yard fences in TFR are limited to 42" in height. thirty three feet of 6 six foot fence in the area of the plans dated June 17, 2014. [second by Voletsky-- 5-0.]

There appears to be no significant impact on the neighbors, the plan is logical and fits into adjoining properties and will enhance the character and quality of street scape at that location.

6. **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), and recommendation to Zoning Board of Appeals for required variances.** Property is in DMU and OMU Zoning Districts.

Applicant-- Mr. Lynch has suggested that this is simply a lot line change-

Planner discussed the issues at length seeks an EAF and Coastal Assessment Plan-

Seeking a Lot Line alteration-- 100 percent rented- one vacancy-- - re-subdivision - pre-existing conditions--

EAF-- Must be completed and not reviewed coastal

SEQRA-- we want to publish the Planning Board taking four lots to three lots--

Member Klose-- concerned from a Planning Board approval for a non-conforming law. Does not want to create a nonconforming lot with absolutely no parking.

Member Voletsky is concerned about the future of the uses with no parking--

Applicant is going to calculate interior square footage and and provide exactly how many parking spaces are required for the use as configured now-- the dedicated spaces would not disappear. The way it is configured this particular use is working for purposes of the parking-- so the applicant is submitting cross-easements for all three properties --

Stevenson House -- 2 spaces (variance to be covered/ considered by the easement)

Depew Property -- Applicant to calculate the number of spaces needed-- now with this subdivision, we need to consider how many spaces-- create this lot without easement-

- ten (10) required with the lot.--the applicant is directed to the historical record of long negotiations relative to the positioning and location of parking on the Depew House Lot.

Land banked spaces on the north side-- never created because never needed, but should this particular project application yield a subdivided parcel, these issues will abound.

Chairman does not believe that we have sufficient information to issue a recommendation to the ZBA-- reconfiguring a lot to create a lot that will be nonconforming from various ways.

There is a real problem in that this potential lot -- substandard lot-- here-- general practice or premise as to why the Board should create such a lot under the circumstances and given the history of this development. What respect and in how many different ways is the applicant's requested result non-conforming? And what are the reasonable downstream outcomes and effects on site and adjoining areas?

Dimensional Standards are different from the Parking Standards

Applicant will provide better analysis of the parking requirements and needs, will supply sample easements for both of the subdivided lots.

Application

The Applicant is the Nyack Public Library which is requesting a re-subdivision of the current four lots into a total of three lots. This includes merging Lot 10 (the Library's parking lot) with Lot 8 (occupied by the existing Library and Library expansion) and changing the lot line between lots 7 and 10 and between Lots 10 and 11. The newly reconfigured Lot 7 consisting of 4,726 square feet will be occupied solely by the Art Café (the Stevenson House). Lot 8 will have a total of 28,623 square feet and will now include the existing 3 story, 12,353 square foot Library, its 10,478 square foot addition and the Library's parking area and accessory structure (former barn). Lot 11 will consist of 14,727 square feet and will include only the 4,160 square foot Depew House and its surrounding property.

The resulting three lots (7, 8 and 11) will include a total of 1.1 acres in the DMU and OMU zoning districts. The parking lot (current Lot 10) remains in the OMU district together with Lot 11 (the Depew House). The application will require a subdivision review and approval by the Village's Planning Board as well as a special permit and variances from the Zoning Board of Appeals.

Between 2006 and 2007, the Planning Board held a series of public hearings regarding the site plan application for the Library expansion and accessory off-street parking area. In reviewing

the minutes for these hearings, it is apparent that this was an extensive review and the Board dealt with a number of contentious issues regarding the amount of parking, circulation, traffic generation and the impact on the locally significant Depew House (owned by the Library). It should be noted that the Depew House, while locally significant, is not on the existing National or State Register of Historic Places or proposed for such listing.

The approval by the Planning Board allowed the construction of the existing two story, 10,478 square foot expansion and a new parking lot. This new parking lot was constructed in the rear yard of the Depew House and at the rear of the Library addition. After significant discussion and analysis and a parking variance from the ZBA, the new parking lot includes 26 parking spaces with five reserved spaces directly accessible to the rear of the Depew House. The lot also includes three spaces specifically marked for Library Staff at the northern end of the lot. The remaining 16 spaces are metered with an additional three spaces which are land banked. Two extra land banked spaces are located in the landscaped area at the southern side of the library addition. Vehicles using the parking lot exit and enter from Hudson Avenue. Hudson Avenue is a one way road from Piermont Avenue to South Broadway. Parking along Hudson is only allowed on the north side.

At the time of the site plan review for the expansion and off-street parking, the record indicates that there was considerable concern that significant traffic and parking concerns would result. It appears that parking and traffic problems have been manageable after the expansion of the library. The library's parking lot appears to function well especially with restricting access only to Hudson Avenue, approximately 100 feet distance from its intersection with Piermont Avenue. Moreover, the five land banked parking spaces have apparently not been needed since they remain landscaped on the site plan. The records indicated that the Stevenson House would have access to parking within the new parking lot. I have not been able to review the existing Planning Board resolution and cannot confirm that this was memorialized in the Board's resolution.

Surrounding Development

Development along South Broadway includes the Seventh Day Adventist Church at the corner of Hudson Avenue, the Art Café, the Library and offices in a converted residence at the intersection with Depew Avenue. Depew Avenue is one way to Piermont Avenue with parking only on north side. All of these buildings are in the DMU district.

Along Depew Avenue, there is an accessory 15 space parking lot serving the adjacent Wright-owned office building on South Broadway. Continuing east is a converted residence with tandem parking behind the building with access to Depew Avenue. This building is located in the OMU district. The remaining properties described below are also in the OMU district.

Piermont Avenue also includes a residence/offices at the corner of Depew Avenue. This corner property has its parking area screened from Piermont Avenue. Parking at this property

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does not intrude into the front yard. Access is only provided onto Depew Avenue. This corner property has a patio, seating area and garden on the Piermont Avenue side which would directly face any proposed parking area in the side yard of the Depew property. The remainder of Piermont Avenue frontage is dominated by the expansive and beautiful Depew property which faces Memorial Park and stretches to Hudson Avenue.

Applicant will need *required variances would need to be reviewed and approved by the ZBA before the Planning Board can finalize its subdivision review. The drawings submitted (specifically the “Parking & Details” Plan dated 2/15/14) include the construction of a significant parking area in the Depew House’s side yard at the property’s northern boundary. It is unclear if the current application includes a separate site plan application in addition to the subdivision application. The proposal to include this new parking area would trigger an extensive, detailed site plan review by the Planning Board which may require another referral to Rockland County Planning. The parking lot addition would also require a SWPPP for the subdivision and site plan with specific engineering for stormwater management, both quantity and quality controls, retention, culverts or applications, permeable surfaces, and traffic reviews. This would be reviewed by the Planning Board with professional review by Brooker Engineering.*

The recommended option would be to provide easements for parking spaces to be allocated to the Depew House. It appears that the existing metered and reserved spaces are easily accessible, work well with the existing Depew House tenants and should not negatively impact the future marketability of the property. It also preserves the integrity of the Depew House property’s surrounding grounds and landscaping which can be a positive factor in future marketing of the property.

SEQRA

The Planning Board Type I Action and requested a long form EAF to be submitted. The Board Declares its intent the Planning Board as the Lead Agency - The Planning Board, as lead agency, for purposes of SEQRA Second by Voletsky and vote of 5-0.

The Public Hearing remains Open while the Library crafts the requested easements, updates its site plan, and readies the application for a more complete application.

OTHER BUSINESS-- Motion to adjourn by Chairman Klose, seconded by member Voletsky. Vote 5-0. Meeting adjourned at 9:30 pm