

**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 July 7, 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 provided comments. Village Board has not commented.**

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

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

**Applicant--**Did not Appear-- put over to the next meeting--

**Board--** NO ACTION during July or September-- Public Hearing remained Open.

- 2. **71 Third Avenue. Fritz Krakowski. Site plan application to remove rear vestibule and construct an open porch at the same location and request for recommendation to Zoning Board of Appeals.**

*Building Inspector -- Property is in TFR zoning district. 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 the following dimensional and developmental non conformities: an existing 11.5 ft. front yard setback where 17.5 ft. is required; a minimum side yard of 4.8 ft. where 5.8 ft. is required; and a building height of 2.5 stories where 2 stories is permitted. Applicant received approval from ARB at its meeting of 7/16/2014. ARB declined to comment on required variances.*

**Applicant--** Will be vastly improving the existing cobbled together structure, should be vast improvement to the neighborhood, with very little if any impact on neighbors, no impact on site lines and very small non-conformities.

**Public--** NONE

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

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

**Board Actions and Resolutions:**

**With respect to SEQRA--** By motion of Chairman Klose and seconded by Keene 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 approve the Site Plan Application for 71 Third Avenue and make a positive recommendation for the required variances to the Zoning Board of Appeals subject to reasonable conditions imposed by the ARB and ZBA, with all exterior lighting down facing and appropriate and discretionary landscaping to be selected by the applicant.

**Vote: 5 – 0 in favor**

**3. 724 First Avenue. Jeffrey Leen. Application for removal of trees.**

**Building Inspector --** *Property is in TFR zoning district. Owner narrative and arborist report included. There are a total of six trees to be removed. Because of their condition, the Building Department can issue permits for trees marked #1, #2 and #3. The remaining trees require P.B. approval.*

**Applicant--** intending to replace the foliage. The Planning Board sees no major reason to deny such application so long as storm water issues are addressed in some way with additional foliage

**Board/Public --** No public objection to the plan and no comments from the Board.

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

**Board Actions and Resolutions:**

**With respect to SEQRA--** *The proposed action is exempt from consideration under SEQRA since it is a Type II Action under NYSDEC 617.5 (6) and (9). As a Type II action, it is automatically considered to be consistent with the Village's LWRP policies. --*

By motion of Chairman Klose, and seconded by Englander, 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 approves the Site Plan Application to remove the requested trees and subject to applicant replacing the landscaping with appropriate landscaping selected by the applicant.

**Vote: 5-0 in favor.**

**4. 193 North Franklin Street. Deborah Ragasto and Karen Shearer. A**

**Building Inspector** --Application for tree removal. Property is in SFR-1 zoning district. Arborist comments included.

**Applicant**-- both corners are experiencing water migration. Applicant wants to remove a tree. Applicant submitted supporting letter from arborist. Overall result would appear to be an improvement to lot and neighborhood.

**Board/Public** -- No public objection to the plan and no comments from the Planning Board.

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

**Board Actions and Resolutions:**

**With respect to SEQRA**-- *The proposed action is exempt from consideration under SEQRA since it is a Type II action under NYSDEC 617.5 (6) and (9). As a Type II action, it is automatically considered to be consistent with the Village's LWRP policies.*

By motion of Chairman Klose, seconded by Englander and given that the planned improvements will enhance the subject property, the Site Plan is approved by the {Planning Board, subject to applicant remediating the landscape with appropriate landscaping selected by the Applicant, and consistent with mitigating stormwater run-off.

**Vote: 5-0 in favor**

**5. 28 Bridge Street. Ken Sippel. Application to convert single family to two family home and recommendation to Zoning Board of Appeals.**

**Building Inspector**--*Property is in TFR zoning district. Submitted narrative by the architect fairly accurately describes the history of the house and the character of the neighborhood.*

*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 the following dimensional and developmental non-conformities: an existing 4.4 ft. south side yard where 5 ft. is required; existing property size of 3104.8 sq.ft. where 10,000 sq. ft. is required; a lot width of 40 ft. where 75 ft. is required; a rear yard of 12 ft. where 23.3 ft. is required; minimum lot depth of 77.6 ft. where 100 ft. is required.*

*As per the language found in Article IV VON§360-4.5B (3) Parking does not appear to be*

*an issue. With a change of use from a single to two family residence “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, **not the difference between the actual existing parking and the parking requirements for the new use.** In this case, 2 spaces are required for the single family use and 4 spaces are required for two family use, the difference being 2 spaces, which are being provided.*

*Village Planner-- The Applicant is Sugby, Inc. (the Sullivan Family), and the owner of the existing residence at 28 Bridge Street. Kim Sippel is the architect representing the applicant. The residence on the subject property is classified as a one-family dwelling in a TFR Zone. It has been taxed and used as a two-family for over 20 years. The approximately 3,100 square foot (0.07 acres) property is located on the west side of Bridge Street just south of its intersection with High Street. The size of the subject property is similar to the two adjoining properties on High Street as well as the adjoining residential property immediately south on Bridge Street. These adjoining properties appear to have two family units. The subject property has a frontage of 40 feet, the same frontage as the adjoining property to the south. The properties on the east side of Bridge Street are 20 feet wide and consist of row housing with 2 and 3-family units. The properties closer to Main Street are in the DMU zone and include a parking lot as well as commercial/multi-family buildings. I would agree with the applicant’s architect that the subject property is compatible with the character of the street. Generally, Bridge Street has seen significant property improvements over the last ten years resulting in increased property values and upgraded appearance.*

*The subject property is the only property on Bridge Street with a driveway which provides onsite parking (2 spaces). The applicant is not proposing any alterations or additions. The applicant will bring the building up to code as necessary. The application has a number of area variances including lot area, lot width, depth, rear yard and accessory building coverage. Essentially, the subject property is a non-conforming lot. All of these required variances are pre-existing area variances, allowed under the former C-1 zoning.*

*After a review of the application, I would recommend that the Planning Board provide a positive recommendation to the ZBA regarding the required area variances and approve the application to convert the property’s single family classification to two family. Specifically, this is based on the following:*

- *the type of area variances required;*
- *the pre-existing nature of the required variances;*
- *the property’s conformity to the surrounding character of the street and neighborhood;*
- *the past history of the use of the subject property;*
- *two family uses are allowed in the TFR zone; and*

- *a continuation of property improvement along Bridge Street.*

**SEQRA**

*The Proposed Action is a Type II Action as per 6 NYCRR Part 617: State Environmental Quality Review. Specifically, each component of the Proposed Action falls under one or more of the following sections of 617.5(c):*

*(12) “granting of individual setback and lot line variances.”*

*(13) “granting of an area variance(s) for a single-family, two-family or three-family residence.”*

**LWRP Consistency**

*All Type II are deemed consistent with the Local Waterfront Revitalization Program and do not require any further deliberation under Chapter 342-3 of the Nyack Village Code.*

**Applicant--** Architect asking to convert to a legal two family to bring up to code -- asked legalization as a two family. Location on Bridge Street. Only two family residence on the street with parking. Applicant wants to legalize existing condition in a neighborhood predominantly consisting of two and three family homes.

**Public--** Theresa Grenier, a neighbor located at 24 Bridge Street is positive and supports the application. She stated that the neighborhood already supports this type of use.

**Public --** No public objection.

**Board Actions and Resolutions:**

Motion to close public hearing made by Chairman Klose and seconded by Jean Gilles. Motion to close the public hearing was approved by vote of 5-0. Public hearing closed.

***With respect to SEQRA--*** *The proposed action is a Type II action under NYSDEC 617.5 (9) and is not subject to SEQRA review. As a Type II action, it is deemed consistent with the Village’s LWRP policies.*

**Board Action--** By motion of Chairman Klose and seconded by Peter Voletsky, the Planning Board approved a positive recommendation to the ZBA regarding the following area variances:

- a- *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 the following dimensional and developmental non conformities: an existing 4.4 ft. south side yard where 5 ft. is required;*

- b- *existing property size of 3104.8 sq.ft. where 10,000 sq.ft. is required;*
- c- *a lot width of 40 ft. where 75 ft. is required; a rear yard of 12 ft. where 23.3 ft. is required;*
- d- *minimum lot depth of 77.6 ft. where 100 ft. is required.*

**Vote: 5-0 in favor**

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. There are no major changes, no visible changes to the neighborhood, and no significant increases in the scope of the project. There is no foreseeable impact on any adjoining neighbors.

**Board Action--** By motion of Chairman Klose, and seconded by Glen Keene 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 approves the Site Plan Application for the conversion of the single family to two family residence at 28 Bridge Street, and makes a positive recommendation to the Zoning Board of Appeals, subject to reasonable conditions imposed by the ARB and ZBA, with all exterior lighting down facing and appropriate and discretionary landscaping to be picked by the applicant.

**Vote: 5-0 in favor**

**6. 70 South Franklin Street. Site Plan application for the addition of a garage at NW rear corner of building and recommendation to Zoning Board of Appeals.**

*Building Inspector--Property is in DMU zoning district. Site Plan application to construct an attached garage at NW rear corner of the building, and recommendation to Zoning Board of Appeals. Property is in DMU Zoning District. 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 the following dimensional and developmental non conformities: an existing 4.4 ft. south side yard where 5 ft. is required and a 3.5 ft. rear yard where 15 ft. is required. Modifications to plans eliminated a previously required side yard area variance.*

*ARB approved the application at its 7/16/2014 meeting but declined comment on required variances.*

**Applicant--** Bob Silarsky, representing Blake Tobin. The Applicant seeks to approve the addition of a garage on the north side of the building. The area on the north side of the building is

currently a driveway.

The Applicant wants to add a garage at end of the rear. The size, end to end, would be 16 wide and 31 feet long. It is not used that often and would include a seepage pit to catch the water.

**Board/Public**—no public objection

Motion to close public hearing on Site Plan and variance recommendation was made by Chairman Klose and seconded by Jean Giles. Public Hearing was closed.

**Vote: 5-0 in favor**

**Board Actions and Resolutions:**

***With respect to SEQRA--** The proposed action is a Type II action under NYSDEC 617.5 (9) and is not subject to SEQRA review. As a Type II action, it is deemed consistent with the Village's LWRP policies. As a Type II action, it is deemed consistent with the Village's LWRP policies.*

***Board Action--** By motion of Chairman Klose and seconded by Peter Voletsky, the Planning Board makes a positive recommendation to the Zoning Board of Appeals for the following variances:*

- a- 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 the following dimensional and developmental non conformities: an existing 4.4 ft. south side yard where 5 ft. is required*
- b- 3.5 ft. rear yard where 15 ft. is required. Modifications to plans eliminated a previously required side yard area variance.*

**Vote: 5-0 in favor**

By motion of Chairman Klose and seconded by Glen Keene, 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 approves the Site Plan Application for the addition of a garage at 70 South Franklin Avenue on site plan dated 8/18/14 (one page), subject to reasonable conditions imposed by the ARB and ZBA, with all exterior lighting down facing and appropriate and discretionary landscaping to be selected by the Applicant.

**Vote: 5-0 in favor**

**7. 25 Catherine Street. Joan Szanto. Site Plan application for a one story rear addition and recommendation to Zoning Board of Appeals.**

*Building Inspector-- Property is in TFR zoning district. 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 the following dimensional / developmental non conformities: an existing 7 ft. front yard setback where 18.59 ft. is required. ARB approved application and offered positive recommendation to ZBA for required variance at its 7/16/2014 meeting.*

**Applicant--** Elizabeth Parks-- looking for more space-- existing non-conforming

**Public—**no comments.

**Board--** no comments.

Motion to close public hearing by Klose on Site Plan and Variance Applications, seconded by Jean Gilles.

**Vote: 5-0 in favor**

Public hearing closed by 5-0 vote.

**Board Actions and Resolutions:**

*With respect to SEQRA-- The proposed action is a Type II action under NYSDEC 617.5 (9) and (12) and is not subject to SEQRA review. As a Type II action, it is deemed consistent with the Village’s LWRP policies. As a Type II action, it is deemed consistent with the Village’s LWRP policies.*

**Board Action--** By motion of Chairman Klose, seconded by Peter Voletsky, the Planning Board approves the Applicant’s site plan for a one story rear addition to the residence at 25 Catherine Street and makes a positive recommendation to the Zoning Board of Appeals for the following area variance:

*a- Per Article I VON§360-1.9E an area variance is required*

**8. 23 Route 59. Application to review the change of use from unused to parking lot for the support of the construction of the TZ Bridge.**

Gordon Ebert, representing Claudio Iodice, the Applicant. The site is between Dunkin

Donuts and the bank strip.

NY DOT weighed in to make a need to get people off the road. The use of this site will allow the Rockland electricians for the bridge contractors to park. The site is to be used as a staging area. It will include 18 parking spaces and container units to be put in to handle equipment etc. This is an industrial service use. It is a temporary use lasting approximately six (6) years. At its peak, it will have 24 to 28 cars and use of the site for transport, primarily materials. The majority of the material components will be used on site. The containers will be 8 by 8 by 40 feet. It will include batteries and will need electricity to run and charge the batteries.

There will be No Left Turn out of the lot. The company is a large national firm which is very safety conscious. The Company will agree to limits on lighting, and calls for debarking at odd hours. The hours of operation will be 7 to 3:30. There are parking and driving protocols in place. DOT will have approval over access for the ingress and egress, lighting, and other requirements contained on the NYSDOT web site. The Board also discussed fencing and landscape screening around the site.

Applicant seeks a site plan approval for the proposed change of use.

Application remains open and the applicant will come back with a final diagram of the various site plan elements.

9. **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.

**Building Inspector--** *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*

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

**Proposed Lot #11:** *A variance will be required for a rear yard setback of 1.2ft. where 25ft. 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.*

**This page (page 2 of 3) has been eliminated from current submission. Page 1 of 3 (listed as page 1 of 2 in current proposal) now identifies trees located on property, 12 of which are proposed to be removed, with no reason stated.**

**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 5 ft. of the property line and openings, such as doors and windows, permitted in exterior walls.***

***Briefly:*** Exterior walls between 0' and 10' 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 3ft. or less from the property line. No unprotected openings are permitted in exterior walls between 3ft. and 5ft. from the property line. Only 15% of exterior wall area is permitted to have protected openings when it is 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 3 ft. from the property line, with window openings.

*The New York State Department of State informs me that the moving of property lines is considered a minor subdivision by them which does not generate compliance with the requirements of the Building Code. The potential dangers to life and property addressed in the Building Code exist nonetheless.*

*Article IV VON§360-5.8A says, 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...”*

***To date no parking analysis has been submitted identifying the extent of potentially required variances for each separate parcel, nor have any easements been offered or included on proposed site plan. (The Applicant provided a parking analysis after this memo was written.)***

*Every issue described herein has been discussed with applicant and survey engineer at two separate pre-submission meetings.*

*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 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 reviewed the Unlisted action on the Short Form EAF. The Board declared its intent to assume Lead Agency for this Application. On motion by Chairman Klose and seconded by Peter Volesky, the Planning Board assumed Lead Agency, for purposes of SEQRA review for this Application.*

**Vote: 5-0 in favor.**

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

**Applicant-- Dennis Lynch as Attorney represents the Applicant. The Applicant previously received a variance from 50 to 25 parking spaces.** There are five land banked spaces that have never been needed. Ten spaces for the Depew House. Tenants park in the first 4 metered spaces. The Stevenson House would require 1.7 parking space. There are two parking spaces set aside in the Lot and Applicant would agree to dedicate those spaces through a Shared Access Parking Easement for all three properties.

Applicant and Board seem satisfied that the traffic flow works and are satisfied with shared parking arrangements for the Depew House and the Stevenson House. The existing 25 spaces

less 12 means that there are 13 spaces left for the Library with a shared parking approach.

One condition required by the Planner, the Applicant, the Village Attorney and this Board is that the Shared Parking Easement Agreement be recorded with the Rockland County Clerk on the site plan as well as the final Subdivision Plat.

Applicant is not seeking to use the land bank spaces. Currently Stevenson House has 2 spaces which are guaranteed for the Stevenson house and would maintain two dedicated spaces for the Stevenson House.

**Building Inspector --** worried about creating the parking-- must provide everything for the Stevenson lot, which needs 1.7 spot. The Agreement must provide for the Stevenson House

In addition to the five land banked spaces and the shared parking for the remaining parcels, the Applicant will agree that there shall never be any additional parking to the North of the Depew House, and that the additional parking will be located near the Northwest corner of the existing Parking Lot for the Library.

The Planning Board will reserve the right to enforce the shared parking and land banked parking to be replaced but not on the Depew lot.

**Public-- No Comments**

**Board--** Planner discussed the issues at length and reviewed Part 2 of the EAF as well as the Coastal Assessment Form. The Board was content to address the parking issues and variances through the Shared Parking Easement to be recorded with County Clerk and on the final subdivision plat. The Planning Board and Village Attorney must review the language for the shared parking Agreement.

Member Klose—expressed concern that a Planning Board approval would create non-conforming lots. He suggested that the Planning Board not issue any formal recommendations to the ZBA on the requested variances related to the creation of the

three new lots.

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

Applicant must get ZBA approval for the various easements etc. to be created by the three non-conforming lots. All approvals must be subject to a Shared Use Easement for Parking. Land banked spaces on the north side were never created because they were not needed. However, should this particular project application yield a subdivided parcel, the need for additional parking will never be placed on the Depew Property. Parking shall remain in the future purview of the Planning Board.

Chairman does not wish to issue any recommendations to the ZBA about creating the

non-conforming lots being reconfigured by this application, but notes the fact that this is the real issue in the Subdivision Application.

Member Klose moves to close public hearing, seconded by Glen Keene with respect to **sub-division and discussion on requested variances.**

**Vote: 5-0 in favor**

Planning Board issued a Negative Declaration previously for SEQRA and reconfirmed the Negative Declaration for this Unlisted Action. The Coastal Assessment Form was accepted as part of the record and reviewed. The Planning Board deemed the proposed action to be consistent with the Village's LWRP policies.

On motion of Chairman Klose, seconded by Glen Keene, the Planning Board approved the following statement-- Planning Board is not generally inclined to permit the creation of three new lots with resulting non-conformities, particularly in light of the history with the Application. Applicant will proceed to the ZBA without any recommendations from the Planning Board for the variances to be created on the new subdivided lots. Note that the Planning Board is amenable to the following: 1) Shared use parking acceptable to Planning Board. Recorded deed and note on final recorded plat must be added to the public record; 2)- land banked parking never to be built on the Depew property but can be de-banked without Planning Board or Village Board review and request 3) dimensional variances to be considered by ZBA --with NO Planning Board recommendation as to the creation of the non-conformities and variances; 4) no construction without Planning Board approval of a Site Plan, and reconsideration of the land banking.

Vote: Aye: Klose, Keene, Englander, Jean-Gilles

Nay: Voletsky

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