

Members Present:

Peter Klose (Chairman)
Daniel Jean-Gilles
Alan Englander
Glen E. Keene
Peter Voletsky
Seth Kestenbaum-Alternate Member
Donald Wilen-Alternate

Also Present:

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

Absent:

Other Business: Motion to approve the May 2015 Minutes-- second by Jean Gilles-- Vote 5-0 approved.

- 1. 16 Hart Place. Kaleb Yohay & Amanda Bergner. Application for removal of three trees. Property is in TFR zoning district. Arborists report included.**

***SEQRA** This proposed action is a Type II action under NYSDEC 617.5 (C) (7) “construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities”; **LWRP Consistency** Under the Village Code, Type II actions are considered to be consistent with the Village’s LWRP policies.*

Applicant-- application for removal of trees in conjunction with the next door neighbors-- 24 Hart place-- more branches came down. appropriately sized trees, shrubs.

Public Comment -

Beth Riso- wants to object to the type of trees-- thinks that the streets have been deforested-- we now have a tree committee.

Neil Robinson-- tree surgeon-- applicant did speak about the dangerous-- tree of this size have a lot of effect on weather and climate in the village.

Henry Rand-- concerned about cutting down trees-- overly eager to have the trees called dangerous

Joseph Rand-- next door -- if the tree is dangerous-- then be careful would support the application

Jim Seymor-- the other neighbor-- responsible for majority limbs-- ten years ago-- there was an extension to the house built within 5 feet of the property line. Adjoining neighbor has absolutely no problem.

There are additional trees-- village is conducting a tree inventory-- to benchmark-- Building Department-- arborist has let his certification lapse-- proposal-- secure new Village arborist who has no economic connection to the project. No one knows how to make arrangements to fund such services-- Most people have been operating under existing law-- come in with arborist/tree removal company --

Board-- Member Voletsky-- does not like the fact that there is no disinterested party relative to the self-interested applicant recommendation to taking trees down.

Motion by Chairman Klose-- Moves to close the public hearing as to tree removal application. Second by Keene -- Vote 5-0.

*RESOLUTION By motion of Chairman Klose and seconded by Jean Gilles that to remove the tree by application and arborist letter dated 4-30 -15 subject to applicant replacing the landscaping with appropriate landscaping selected by the applicant. **Vote: 4-0-- in favor-- with Voletsky abstaining on the ground that the current process does not provide enough information to substantiate the validity of an applicant's claim.***

2. 24 Hart place. Jim Cymore. Application for removal of three trees. Property is in TFR Zoning district. Arborists report included.

Building Inspector--OF THE SIX TREES [PROPOSED TO BE REMOVED, ONE IS DEAD AND DOES NOT REQUIRE PLANNING BOARD APPROVAL.

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***Applicant--** application for removal of trees neighboring application-- pine trees are very dangerous-- speaking just about taking just part of the tree- shearing the tree-- death of the tree will die.*

***Public Comment** - wanted the trees removed and wanted safety*

***Board--** Motion by Chairman Klose-- Moves to close the public hearing as to tree removal application. Second by Jean Gilles with Vote 5-0.*

*RESOLUTION By motion of Chairman Klose and seconded Jean Gilles by that to remove the tree by application and arborist letter application dated 4-30--15 subject to applicant replacing the landscaping with appropriate landscaping selected by the applicant. **Vote: 4-0 with 1 abstention by Voletsky - same reason as stated as regards the above application. Voted to approve the removal of the tree.***

3. 45 Front Street. Jan Degenshein for Scott and Diana Kositow. Site Plan application for two story rear addition. Property is in TFR zoning district.

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Building Inspector Proposal complies with zoning requirements. ARB approved application on May 20, 2015.

SEQRA – Type II action under NYSDEC 617.5 (c) (9) “construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections” **LWRP – as Type II action the Village Code states that the proposed action is consistent with the LWRP Policies.**

Applicant-- Jan Degenshein-- adding an addition no variances required-- ARB has granted approval May 30, 2015. Drainage to be mitigated-- calculated the additional drainage-- drainage basin-- will reduce the runoff- severe storm release drain-- exterior light no additional light to spill into the neighbor’s properties

Public Comment -none.

Board-- Motion by Chairman Klose-- Moves to close the public hearing as to tree removal application. Second by Jean Gilles with Vote 5-0.

RESOLUTION By motion of Chairman Klose and seconded by Keene- that application and maps dated 5-8-15 and application dated 4-6-15 should be granted subject to applicant replacing the landscaping with appropriate landscaping selected by the applicant and the exterior lighting being down facing. Vote: 5-0 in favor.

4. 2-6 North Midland Avenue. Barry Terach for Joseph Lagana. Site Plan application to demolish existing structure, construct a three story multifamily dwelling and request for a recommendation to Zoning Board of Appeals for two area variances. Property is in DMU zoning district. Architectural Review Board offered a positive recommendation for demolition at 12/17/2014 meeting.

NO NEW INFORMATION SUBMITTED No appearance by the applicant.

Traffic Scope – the Traffic Scope has been edited and circulated to the Chair. The Board should formally adopt the Traffic Scope. The Applicant has retained Harry Baker & Associates to do the Traffic impact for this project. Chairman Klose moves to accept the Scope of the Work Proposed and Circulated by Village Planner dated May 15, 2015. Second by Keene, Vote 4-0.

Board-- As per above, adopted the Scope of the Work for the Traffic Consultant. The Planning Department has received a Proposal from FP Clark Associates to review the Applicant’s Traffic Study based on the Traffic Scope for this project. Chairman Klose moves to formally accept the Clark Proposal and authorize the retention of Mike Galante, EVP of FP Clark Associates for this review. The Proposal of Services from FP Clark has been provided to the Chair.

Matter continued pending additional information.

5. 263 Main Street. Continuation of Site Plan application for demolition of existing building and construction of three story multi-family dwelling. Variances granted by ZBA on April 27, 2015.

Building Inspector-- Application has been funded by NYS with 9% tax credits. The Planning Board is the lead agency under SEQRA for this unlisted action. Referrals sent out to Rockland County Planning, NYS Thruway, et al in January 2015 with no response received. The Building Department will follow up with County Planning. **NO NEW INFORMATION SUBMITTED**

Application has been continued and remains OPEN

6. 179 Cedar Hill Avenue. Cornielle Enterprise. Site Plan application for construction of a single family home and removal of two trees.

*Building Inspector--Property is in TFR zoning district. This is a slightly undersized building lot which received an area variance for minimum lot area size from ZBA on September 24, 2012. At 30 ft. wide, projecting 5 ft. from the front façade, an **area variance** is required for the front porch from Article IV VON§360-4.2B(3)(e)&(f) which permits a front porch of 8 ft. wide, projecting 6 ft. from building front façade to encroach into required front yard.*

VON Code 360-4.2B(3)(e) Entries and porticos. *A roofed-over but unenclosed projection in the nature of an entry or portico, not more than eight feet wide and extending not more than six feet out from the front wall of the building may project into a required yard when the building otherwise complies with the regulations of this section. In computing the average front setback, the presence of such entries and porticos shall be ignored.*

(f) Average front setbacks. *No proposed one-family or two-family dwelling need have a front yard greater than the average setback of the two adjacent existing dwellings if they are located within 100 feet on each side of the said proposed dwelling, on the same side of the street and within the same block and the same zoning district.*

*Although dimension is not supplied, as proposed, the rear deck appears to encroach into the required rear yard setback by approximately 2 ft., which, if unchanged, would require an **area variance** from Article IV VON§360-4.3, Table 4-1 for a rear yard of 28 ft. where 29.29 ft. is required.*

SEQRA – Type II action under NYSDEC 617.5 (c) (9) *“construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections”* **LWRP –** *as Type II action the Village Code states that the proposed action is consistent with the LWRP Policies.*

Applicant-- Had no idea why she was appearing tonight, the Chairman explained the process and told her that she should hire a professional to appear and discuss the required variances.

Application has been continued and remains OPEN

Public Comment - Referred to the tree committee

Board-- *The application is for a site plan and removal of 2 trees. Since this is a request for site plan and is a public hearing and is within 500 feet of the Village of South Nyack, notice is required under GML to be sent to County Planning and the Village of South Nyack. I would suggest that the matter be adjourned until July so that proper notice can be given.*

7. Gedney Street. TZ Vista, LLC.. Referral from Village Board for an advisory recommendation regarding proposed text amendments within Waterfront (WF) development district.

Building Inspector --*There is no application before the Planning Board. This is a referral from the Board of Trustees for comment and/or recommendations back to the Board of Trustees. The BOT did not specify a time for this information to be provided. I would recommend that the Planning Board listen to the Applicant's text change amendments in the WF zone and review the petition and comments at a work session at their July 2015 meeting to develop Comments back to the Board of Trustees. 360-5-6-- process is the Zone change -- effected by the code-- application to petition to amend the zoning district.*

Applicant-- Step one of the procedure -- all of the elements to request to amendment-- step -- referral to the Planning Board-- Board of Trustees-- the Village Board wants an opinion -- Village Board is the decision making board. Criteria-- are set forth in the Zone Change-- statute -- consistent within the district-- which areas that will be affected on other changes. Planning Board will be considering the situation.

How is it going to affect other properties-- dynamic of the referral-- makes application-- no strict timeline-- Ira Emanuel-- TZ Vista LLC-- homegrown application--

Amendment -- of what the effect this particular property-- various trade offs -- provide amenities, gets additional factors-- not making any particular proposals--

Two phase development -- main and Broadway property-- two buildings one on Lydecker and Main and Broadway-- plus of parking lot with the two buildings-- looking as to how to develop the properties-- residential buildings over commercial vs. alteration-- 60 parking spaces-- 100 parking spaces-- build a two or three level parking garage-- fulfill the needs of the village looking for comments-- zoned for almost anything that they want to do.

Public Comment - *There is no public hearing tonight, but essentially there were a few questions that were raised.*

Board-- Chairman and Planning Board is cognizant of the vast potential of this wonderful development and location--

Hopes that we can work with the Applicant to, as Scenic Hudson suggests,

Enhance and preserve the unique qualities of the Hudson River waterfront, this guide provides tools to promote the development of lively, pedestrian-friendly, mixed-use riverfronts in and adjacent to municipal centers while conserving forests, farms, wetlands, and fields, and providing for a continuous public greenway corridor along the river. This land-use pattern will allow riverfront communities to

accommodate and benefit from new development in ways that increase economic viability, enhancing main streets and community life while protecting the Hudson River's ecology and internationally celebrated beauty. We recognize that any discussion of riverfront development also must address development in the adjacent downtown or municipal center; the guidelines in this document emphasize this important relationship. Likewise, we understand that towns, villages, and cities have different needs. These guidelines are applicable to municipalities of varying scales.

The last major parcel to be developed within the WF District is section II of the Clermont Condominium complex. This development included low-rise (4-story) and mid-rise (12-story) buildings. The current WF regulations were adopted after construction of Clermont section II. Thus, there has been no development under the current regulations, nor, to your Petitioner's knowledge, has there been a serious attempt at development under these regulations.

In reviewing the current regulations and attempting to apply them to the Parcel, it became apparent to Petitioner that the regulations could be improved in order to meet current thinking with respect to the waterfront, view corridors and building footprints. These improvements would yield more public access to the waterfront, a reduction in the amount of waterfront land devoted to parking, and an increase in the width of the view corridors that are to be provided. At the same time, they would allow more efficient and productive development of the land.

To that end, Petitioner proposes a number of amendments to the incentives built into the WF District regulations. In particular, the Petitioner proposes (1) an increase in the maximum building width to correspond to the greater number of view corridors; (2) an increase in the maximum available FAR in return for permanent arrangements for more public access, provision of public art (pocket park) , and monetary contributions for waterfront improvements; and (3) an increase in the maximum building height in return for structured underground parking. The text of these amendments is attached as Exhibit D.

The first amendment is intended to recognize those situations where more than one view corridor is available. When the Code was adopted, it appears that the framers did not consider the possibility that a parcel could be assembled that could afford more than two one view corridors. Where, as here, there are three corridors, the Code does not recognize the additional burden placed on a project. The proposed amendment rectifies that situation.

The second amendment would allow an increase in FAR in return for a doubling of the amount of land devoted to public access, providing public art, or making a monetary contribution toward waterfront improvements. One purpose of the WF District is to "maximize physical public access from the land to and along the Hudson River shoreline." VON Code § 360-2.5.B(1)(c). This proposed amendment meets this objective directly by providing an incentive to provide even more public space than is currently authorized by the Code or by improving that space.

The third amendment allows for greater building height in return for underground structured parking. Underground structured parking, though extremely expensive to provide, is preferable in a waterfront area. It significantly reduces the footprint of parking areas when compared to comparably-sized grade-level parking. The reduced parking footprint allows for more intelligent and efficient Stormwater management. Underground structured parking is also more aesthetically pleasing than is grade-level parking – an important consideration along the waterfront.

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Petitioner fully intends to take advantage of these incentives, if adopted. These incentives will make its development financially feasible while simultaneously improving the waterfront for the use of all Nyackers.

Chairman would like input from planners (including Village Planner), from Scenic Hudson, comparing the LWRP, Comprehensive Master Plan and any other documents, laws, regulations, or otherwise that address the ramifications of text change amendments requested by the applicant

OTHER BUSINESS-- Motion to adjourn by Chairman Klose, seconded by member Voletsky - passed by a vote of 5-0. Meeting adjourned at 9:30 PM