

Members Present:

Eileen Kuster-Collins *Chairperson*
Maggie McManus
T. Robins Brown
Toma Holley

Also Present:

John Allgor *Building Inspector*

Absent:

Mary Matthews

The Minutes of the May 20, 2009, Nyack Architectural Review Board Meeting were previously circulated and are approved with the following corrections:

Item #4 90 Jefferson Street. Window dimensions were noted as: double window 66" wide by 49" high; single window 29" wide by 40 ¾" high.

Item #7 PALS Neighborhood Bagel & Deli: Address: 95 No. Highland.

"Downtown Nyack Restaurant Week. Banner Application No public comment. Motion to close by Member Holley, seconded by Member McManus, Approved 4-0. Motion to approve by Member McManus with a suggestion to simplify the type and enlarge the name, seconded by Member Brown. Approved 4-0.

1 **17 North Broadway. Carol McIlmurray. Application for alterations to façade of building.** Please note that the applicant has changed the application: the alteration is to replace the main window glass only, not replace the entire façade.

Public comments:

Letter submitted by Judith Rose objecting to the aesthetics of the altered storefront; letter from a "Nyack Resident" objecting to the lack of safety and courtesy in the execution of the storefront painting;

Comment by David Schloss who was concerned about the paint choice to be submitted for the storefront. He requested to see the letter from the landlord for replacement of the storefront glass, and requests that date and deadlines be set to stipulate the requirements for this application. He is very unhappy with what has been done to the storefront already and requests that the side panels on the storefront be repaired.

Comment by Sean Kilpatrick, the owner of San Juan Cafe, who has receipts for four hundred dollars for removal of paint that has been trekked in from the sidewalk into his establishment. He wants to make sure that the sidewalk is cleaned up and was asking what should be done about the receipts that he has for the paint. He also objected to the applicant proceeding with storefront alterations without approvals and would like the storefront restored to the way it was..

Comment from Joe Kandoff who stated that the sidewalk would need to be sandblasted because powerwashing is not going to remove all the paint that exists.

Comment from Fred Viohl, Code Enforcement Officer of the Village of Nyack, who stated clearly that he ordered the painting on the front façade to stop and that the applicant was seen painting the storefront after she was ordered to stop and is in violation. A violation notice has now been put on the face of the building. He also stated that the building presents fire safety issues due to the alterations.

Comment from Building Inspector John Allgor who stated that the permission letter from the landlord regarding the alterations had not been submitted. He also stated that the applicant had been notified to stop painting the façade and that if the applicant continued work without approvals, the Building Department would have to begin legal proceedings.

Comment from Laura Pakaln, who was taken aback by the condition of the storefront. She would like the painting to stop and is concerned about what will happen going forward with this applicant.

Many people at the meeting spoke about their concern about the condition of the storefront, the damage that has been done to it, the methods used by the applicant that have disrupted other businesses and passersby, and requested that it be remedied.

The applicant responded that no member of the public had called her to complain. She also stated to have received conflicting information from the Building Department. She stated that she continued painting the storefront after being notified to stop because she was "on a mission". She noted that she has the permission letter from the landlord and will submit it.

No further public comment. Motion by Member McManus, seconded by Member Holley to close the public portion; approved by a vote of 4-0.

Motion by Member Collins, seconded by Member McManus to approve the application to change the storefront glass with the following conditions, as agreed to by the applicant:

1. Within one week's time, in writing, a work plan must be submitted outlining remedy of the unapproved alterations that have presently been done to the building. A plan must be submitted that stipulates how the multiple layers of paint will be stripped off the façade, the glass door, and the side glass panels; how the surface will be prepared, sanded etc., to accept new paint in order for the surfaces to look as they did before the storefront was

altered. Information on the licensed professional contracted to do this work must be submitted.

2. Within three days the applicant will submit color choices for the façade that is subject to the approval of three members of this Board. The applicant stated she would like to paint the storefront in a solid off-white color. Should the submittals for the work plan not be acceptable to this Board and meet the approval of the Building Inspector, then the Village may opt for legal action to remedy;

3. The sidewalk must be cleaned of any paint, back to its original condition. The action for this remedy must be included in the written work plan;

4. The applicant has two weeks to remove the window glass on the front panel. Replacement of the glass and trim for the new glass insert must be "in kind" meaning that it is to duplicate the existing, with the exception that the glass will be double pane. The appearance is to be "in kind". The glass as noted by the applicant will be a double pane, clear glass (not tinted) single sheet with no mullions. The intent is to return the storefront to appear the way it did before all of this work started without approval. The applicant requested replacement of the glass with a double pane energy efficient panel. The glass on the side panels and door must be stripped of paint.

5. The permission letter from the landlord to replace the glass must be submitted for review and documentation within three business days of this meeting;

6. The business letter for the work plan must state how long the work will take place and also must state that work will be done during regular business hours only.

These conditions are subject to the review of the Village Attorney. Both the work plan and the color choices will be subject to review by the Building Inspector and by three members of the Architectural Review Board.

Approved by a vote of 4-0.

2 *Amazing Grace Circus. Application for a banner.*

No public comment. Motion by Member McManus, seconded by Member Holley to close the public portion; approved by a vote of 4-0.

Motion by Member Brown, seconded by Member Holley to approve the application as submitted. Approved by a vote of 4-0.

3 *"175th Firemans Anniversary Parade". Banner Application.*

The applicant failed to appear.

4 *208 Depew Avenue. Joe Ondrek. Application for renovations and new roof cover on existing front porch.* The proposal complies with zoning requirements.

No public comment. Motion by Member McManus, seconded by Member Holley to close the public portion; approved by a vote of 4-0.

Motion by Member Brown, seconded by Member Holley to approve the application as submitted with the following agreed-to changes:

1. The column will be revised to be more in keeping with the arts and craft door that had previously been approved and installed;
2. A revised sketch will be submitted for review by two members of this Board.

Approved by a vote of 4-0.

- 5 **1 Main Street. Robert and Cecelia Cummings. Application for removal of existing casement window for installation of new triple casement window.** The proposal complies with zoning requirements. The applicant had submitted a letter stating that the Condominium Board and other residents of the building were in favor of changes to the façade. The Architectural Review Board was concerned that this proposal violated the intent of the original architecture. The building has a precise symmetry and alignment of windows and doors. The proposal shows three windows outside the building line, not in alignment or symmetrical. The Board felt that the applicant can achieve his goal of more light and view while still respecting the inherent rhythms of the building. It was suggested that larger or multiple windows be proposed for either side of the French doors to maintain symmetry and alignment. The applicant agreed to consider these recommendations and submit revised drawings for interim review.

No public comment. Motion by Member McManus, seconded by Member Brown to close the public portion. Approved by a vote of 4-0.

Motion by Member McManus, seconded by Member Holley to approve the application with the following conditions as agreed to by the applicant:

1. The applicant's architect will submit for review a revised drawing showing windows symmetrically applied to the right and left of the doorway to maintain the rhythm and balance of the building;
2. The submission will be reviewed by at least three members of the Board. Should the changes not be approved, the applicant will return to the Board at a future meeting.

- 6 **90 Main Street. Harrys Burritos. Application for a sign.** The proposal complies with signage requirements.

No public comment. Motion by Member Brown, seconded by Member Holley to close the public portion. Approved by a vote of 4-0.

Motion by Member Holley, seconded by Member McManus to approve the application as presented with the following notations:

- 1.. The applicant has stated that the date "1987" is to read "2007", and the size of the sign matches what was previously approved;
2. The sign will be centered on the façade below the existing lights.

Approved by a vote of 4-0.

7 **174 Main Street. Philip Barcelona for "Studio Barcelona". Application for a sign.** The proposal complies with signage requirements.

The applicant noted that the graphic lettering and logo will be cut-outs directly applied to the glass with no background. The background is on the Xerox copy only.

No public comment. Motion by Member McManus, seconded by Member Holley to close the public portion. Approved by a vote of 4-0.

Motion by Member Brown, seconded by Member Holley to approve the application as submitted with the notation that the sign designated as the "tree sign" is the sign to be applied to the freestanding sign post.

Approved by a vote of 4-0.

8 **28 Route 59. "Nyack Burger Hop". Application for a freestanding sign.**

The proposal complies with sign requirements. The applicant also stated that he would like to apply to the ZBA at a future date for internal illumination.

No public comment. Motion by Member McManus, seconded by Member Holley to close the public portion. Approved by a vote of 4-0.

Motion by Member McManus, seconded by Member Holley to approve the application with a positive recommendation for internal illumination and with the following changes as requested by the applicant:

1. The sign pole is to be curved at top with the arc projecting towards Route 59; the sign attached to the face of the arc. The Building Inspector noted that the face of the sign must maintain the ten-foot setback from Route 59 as required by code;

2. The requested change will be submitted for record and review by the Building Department.

Approved by a vote of 4-0.

9 **47 Washington Avenue. Laura Schwab. Application for the**

construction of a deck. The proposal requires Planning and Zoning Board approvals. Two variances are required. The applicant has agreed to consider Board comments regarding the request that the back of the house read as a porch rather than a deck, and to reduce the width of the addition by one foot. Adjacent properties have detailed back porches, not decks and the Board requested that the applicant consider these existing properties in the design.

The Board requested that the applicant consider adding some details such as a shaped handrail on the top of the deck, tighter spacing between the spindles, and brackets beneath the deck structure on the sides of the posts to enhance the porch-like feel.

The applicant will take our comments under advisement, and after review by Planning, will return to this Board.

Let the record show the meeting ended at 9:35 p.m.

Respectfully submitted,

EILEEN KUSTER-COLLINS
Chairperson