

**Village of Nyack Planning Board  
December 5, 2016**

**Members Present:**

Peter Klose (Chairman)  
Peter Voletsky

Daniel Jean-Gilles  
Alan Englander

Absent: Don Wilen - Alternate - Elijah Reichlin-Melnick - Alternate Seth Kestenbaum

**Also Present:**

Walter Sevastian  
Paul Rozypal, Asst. Building Inspector  
Bob Galvin—Village Planner

**Other Business:** Motion to approve the November 7, 2016 Minutes-- made by Chairman Klose and seconded by Voletsky. Approved by a Vote of 4-0.

1. **75 North Broadway. Donald Levine. Continuation of Site Plan application for the creation of a paved rear yard parking space and paving of existing driveway which contained an unpaved portion.**

**Building Inspector--** *Property is in OMU zoning district. Included in the files maintained by the building department is: a 1988 survey indicating a Partially paved driveway; a July 1988 letter from Dr. Levine to Land Use Boards and Building Department indicating the existence of 4 off-street parking spaces and August 1, 1988 ZBA minutes which indicate a variance is not required for additional off-street spaces. The original driveway was at least partially paved. There are no zoning restrictions prohibiting the creation of rear yard parking spaces, but site plan approval is required for the addition of a parking place and whatever drainage implications are involved, pursuant to 360-5.7B(2). The Village Engineer has submitted a report outlining various methods for reducing visual impact on the neighbor to the east.*

*Village Engineer--Re: Driveway Expansion- 75 N Broadway, Dr. Levine Property  
Eve M. Mancuso, P.E., Associate*

*Observations: We observed the existing drive had been resurfaced and extended to the south and west to provide additional parking. Bituminous berm curb was constructed along the eastern edge of the drive. There is an existing chain link fence along the eastern property line (side yard) and a solid fence along southern property line (rear yard). There are existing deciduous shrubs along the eastern property line and evergreen landscaping along the rear property line.*

*Recommendations: The bituminous berm curb constructed along the eastern property line acts to maintain stormwater flows on the subject drive and prevent stormwater from flowing onto the adjoining property to the east. The stormwater travels along the curb, down the drive towards Second Street. There is a slight increase in flow towards Second Street due to the expansion of the driveway surface area. As long as the bituminous berm curb is maintained there should not be an increase in stormwater run-off to the adjoining property.*

*\* To mitigate the visual effects of parking in the rear yard and to mitigate the adverse impacts of the glare of headlights trespassing directly into the adjoining property to the east, we recommend a buffer be planted around the limits of the new drive expansion.*

\* *The existing deciduous shrubs should be removed and an evergreen buffer planted along the eastern property line and continue west along the limit of the expanded drive. As the planting bed area between the drive and fence is limited in width, care will need to be taken in determining the proper species that will be best suited for this environment.*

\* *The existing fence and evergreen buffer along the rear property line is suitable to screen the adjoining property to the south from any potential adverse impacts due to the glare of headlights.*

\* *The property owner should provide a sketch to the building department for review of the proposed landscaping buffer plantings to screen the eastern and southern limit of the expanded driveway area. Species, quantity, location, spacing and planting height should be provided. Consideration for stockpiling snow at the end of the drive should be taken into consideration when locating the buffer plantings.*

**SEQRA** – *this is a Type II action under SEQRA NYS DEC 617.5 ( c ) (10) “construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;”***LWRP** – *As a Type II action, the Village Code considers this to be consistent with the policies of the Village’s LWRP.*

**Applicant--** Dr. Levine-- and the next door neighbor (Joe Karlin) have come to terms on the aesthetics of the plan, applicant submitted drawings suggested by Engineer

**PUBLIC--** NONE

**BOARD--** Motion by Chairman Klose to close the public hearing. Seconded by Voletsky - motion to close the public hearing passed. Vote 4-0 to close.

Klose moves to approve application for the creation of a paved rear yard parking space and paving of existing driveway which contained an unpaved portion, provided however that the applicant plant trees to ameliorate the stormwater runoff, and other appropriate landscaping, and adhere to the suggestions of the engineer-- *a buffer be planted around the limits of the new drive expansion; existing deciduous shrubs should be removed and an evergreen buffer planted along the eastern property line and continue west along the limit of the expanded drive. As the planting bed area between*

*the drive and fence is limited in width, care will need to be taken in determining the proper species that will be best suited for this environment; and property owner provide a sketch to the building department for review of the proposed landscaping buffer plantings to screen the eastern and southern limit of the expanded driveway area. Species, quantity, location, spacing and planting height should be provided. Consideration for stockpiling snow at the end of the drive should be taken into consideration when locating the buffer plantings-- seconded by Voletsky Vote-- 4-0- application approved with conditions.*

2. **203 Depew Avenue. Travis Stever. Site Plan application to construct a six foot high fence in front yard along Crosby Street. Property is in TFR zoning district.**

**Building Inspector VON 360-2.3E (4)(b)** requires both yards fronting street in residential districts to be considered front yards. **VON 360-4.9B(a)[1]** requires front yard fences in TFR to be no higher than 42", except that Planning Board can approve higher fences, for security purposes, as part of Site Plan review process. **(360-4.9B (1)(c))**.

**Applicant has indicated his concern for safety and security to the building department.**

**SEQRA** – this is a Type II action under SEQRA NYS DEC 617.5 ( c ) (10) "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;" **LWRP** – As a Type II action, the Village Code considers this to be consistent with the policies of the Village's LWRP.

**Applicant--Caitlin Berke--** Abigaile Steever-- looking Crosby street-- two way street -- wants a privacy fence--

*Alternative -- Member Englander--wondering about alternatives to a six foot high -- PVC vinyl type fence-- perhaps with some -painted white fence. Member Englander would accept a six foot fence if it were set back far enough to allow for landscape screening to be planted in front. -- Applicant wants the less expensive white PVC fence.*

*Board members concerned about 6 foot fences along the roadway, would like alternatives and landscaping to break it up*

*Public Comment - NONE*

*Board-- member Peter Voletsky-- not thrilled about the 6 foot high fence or prosed fence material, would like some visual variety.*

PUBLIC-- NONE

**BOARD --** Matter was left open for the applicant to consider additional treatments

- 3. 36 Summit Street. 36 Summit Street LLC.. Request for an advisory opinion to ZBA for a Front yard fence, higher than permitted. Property is in TFR zoning district.**

**Building Inspector VON 360-2.3 E (4)(b)** *requires both yards fronting street in residential districts to be considered front yards.*

**VON 360-2.3 E (4)(a):** *Obstruction to vision at street intersections. At all street intersections in all residential districts, no obstructions to vision exceeding 30 inches in height above curb level shall be erected or maintained on any lot within the triangle formed by the street lines of such lot and a line drawn between points along such street lines 30 feet distant from their point of intersection. The Building Inspector shall have the ability to decrease the permitted height and modify the location of fences, walls and hedges in the front yard on corner lots in order to account for site-specific conditions. An area variance will be required from Article II VON§360-2.3(4)(a) for a front yard fence higher than the permitted 30" above curb level.*

**SEQRA –** *this is a Type II action under SEQRA NYS DEC 617.5 ( c ) (10) “construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;”***LWRP –** *As a Type II action, the Village Code considers this to be consistent with the policies of the Village’s LWRP.*

**Applicant--** Richard Picciinini-- purchased house in foreclosure-- during the renovation took down the 48 inch for fence-- replaced with white picket -- 42 inches tall-- turns from Depew to Summit are the question in this situation.

Letter by Fred Garmone-- complaining about the size of the fence at the location given that cars sometimes come down summit the wrong way.

Board—However, the intersection deals with turning right hand turn onto Summit from Depew There is no sight line problem for cars on summit because there is no turning from Summit to Depew. And there is no two-way traffic. Board considered the issues, heard from Planner that generally can see 37 inches.

*Motion by Chairman Klose-- Move to close the public hearing as to the recommendation to the ZBA Seconded Voletsky -- vote by passed 4-0, as to the public discussion of the recommendation to the ZBA only. 4-0.*

*Variations-- Member Klose proposes to issue a positive recommendation to the ZBA to permit an area variance from Article II VON§360-2.3(4)(a) for the existing front yard fence higher than the permitted 30" above curb level but not more than 42 inches provided that the fence remains see picket or other fence that permits limited visibility of similar nature. -second by Voletsky- Vote of 4-0 referred to ZBA.*

*Site Plan-- Klose moves to approve application to application to keep the existing fence height at no more than 42 inches-- provided that it is picket and motorists can see through the fence, subject to reasonable conditions imposed by the and if the ZBA approves the variance of fence height, and seconded by Jean Gilles. Vote-- 4-0- application approved.*

**4. 32 Tallman Avenue. Kier Levesque for Weintraub. Application to replace side path and cover front porch. Property is in SFR-1 zoning district.**

**Building Inspector--** *Existing front porch is in a nonconforming front yard. Placing porch stairs in front yard would increase the degree of nonconformity. An area variance will be required from Article I, VON 360-1.9E for increasing the front yard nonconformity. Pursuant to Article IV, VON360-4.2B(c) an area variance will be required for a roofed front porch 9 feet wide, greater than the 8 feet width permitted.*

*Applicant received conditional approval and positive recommendation to ZBA from ARB at its November 16, 2016 meeting.*

**SEQRA –** *this is a Type II action under SEQRA NYS DEC 617.5 ( c ) (10) “construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;”*

**LWRP** – *As a Type II action, the Village Code considers this to be consistent with the policies of the Village’s LWRP.*

*Applicant--This application is for the reconstruction of a smaller west side porch and new main entry steps with a roof over them. The existing porch is in disrepair as are the front brick steps. The new footprint of the side porch will be smaller and step away from the large tree on the corner. It will be screened in and have a low wall with bead board instead of an open railing. The footprint of the front steps will remain the same toward the front yard and will be increased 12” on each side to receive new posts to support a new roof. The walk will be reconfigured to enter straight off the street as well as the driveway. The reconfiguration of the steps may require a variance as the front setback is currently non-conforming.*

*Board believes this project will benefit the community and would recommend the variance.*

*Public Comment - None*

*Motion by Chairman Klose-- Move to close the public hearing as to the recommendation to the ZBA Seconded by Jean Gilles passed 4-0, as to the public discussion of the recommendation to the ZBA only. 5-0.*

*VariANCES-- Member Klose proposes to issue a positive recommendation to the ZBA to permit variance from Article I, VON 360-1.9E for increasing the front yard nonconformity; and Pursuant to Article IV, VON 360-4.2B(c) an area variance will be required for a roofed front porch 9 feet wide, greater than the 8 feet width permitted. Second by Englander - Vote of 4-0 referred to ZBA.*

*Site Plan-- Klose moves to approve the site plan application to placing porch stairs in front yard would increase the degree of nonconformity, and subject to obtaining the area variance and other reasonable conditions of the ZBA and ARB to construct the roofed front porch 9 feet wide, in accord with the plans and specifications of the application; subject to reasonable conditions imposed by the ZBA--and ARB. second by Jean Gilles. Vote-- 4-0- application approved.*

**5. 273 Main Street. Gateway Lofts. Site Plan application to construct a four story multi-**

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**family dwelling, subdivision for the merger of two lots and request for recommendation to the Zoning Board of Appeals. Property is in the DMU zoning district.**

**APPLICANT did not appear; will be re-noticed for next public hearing**

*OTHER BUSINESS-- Motion to adjourn by Chairman Klose, seconded by member Englander-passed by a vote of 5-0. Meeting adjourned at 7:55 pm.*