

Present:

Eileen Kuster-Collins	<i>Chairperson</i>
Mary Mathews	<i>Member</i>
Maggie McManus	<i>Member</i>
Toma Holley	<i>Member</i>
Donald Yacopino	<i>Chief Building Inspector</i>
Steve Knowlton	<i>Legal Counsel</i>

Application 1: 48 South Franklin Street. Schenley Vital. Site plan application to alter existing structure with interior renovations and the addition of a third story.

Building Inspector Review: Property is in DMU Overlay Zoning District.

Rear yard area variance was granted by Zoning Board of Appeals on December 1, 2014.

Applicant is to reappear before Planning Board on December 15, 2014.

PARKING: Proposal would require 9 parking spaces if building were being constructed today.

Most recent use as a retail space would have 13 spaces assigned to the property. Parking requirements are met under that analysis per language of Article IV VON§360-4.5B (3).

Furthermore two separate variances for off street parking dated 7/20/1989 (9 spaces) and 5/30/2003 (18 spaces) grant a total of 27 parking spaces to this property.

Except for the preexisting nonconforming rear yard setback, for which the variance has been granted, this proposal complies with the zoning code and is considered an as of right application.

By definition the height of the building can be 40 ft. as measured to the highest point of the roof beams for flat roofs.

Additionally, per the exceptions to height limitation found in Article IV VON§360-4.2C(2), parapet walls and cornices can exceed that height requirement by an additional 4 ft., rooftop bulkheads and HVAC equipment are permitted to be placed on the roof.

As evidenced by submitted photos, numerous examples (25) of buildings significantly higher than adjacent buildings on the same and adjoining blocks can be found throughout the Village, especially in the quadrant bordered by Broadway, Main Street, Franklin Street and Cedar Hill Avenue, which appear to indicate this combination of building styles and height to be “the existing design and architecture of the Village”.

For this meeting, the following has been provided:

Comparison of adjacent building heights along S. Franklin provided.

Revised plans submitted showing plywood façade to the north removed.

Rooftop bulkhead and AC units, with screening, indicated on roof.

Paving in north alley indicated.

Samples of door, window and trim materials will be submitted at meeting.

Lighting on rear of building to be downward facing

North and south stucco walls to be replaced with split face concrete block.

Easement with 46 S. Franklin indicated on plans.

Front elevation to have concrete window sills and 8” high pre-cast concrete lintels (mistakenly omitted from drawings) above windows.

Property is in DMU Zoning District. Proposal complies with zoning regulations.

Board Review Based Upon:

1. The application dated 10/27/2014; Drawings dated 12.10.14; new drawing A6;
2. Building Inspector review;
3. Testimony of Schenley Vidal, applicant;
4. ARB members knowledge of the site;

5. Site visits by members;
6. ZBA Minutes dated 12.1.14;
7. Planning Board preliminary minutes dated 12.2.14;
8. No testimony from the public.

Board Findings and Conclusions:

1. The board notes the following information provided by applicant: Windows are Anderson A series double hung wood; Entry door is mahogany wood; Trim, cornice and knee wall are Versatex trim board; Applicant specifies 4 external matte finish lights noting better illumination coverage with 4; North and south elevation material is split face block; Sills and lintels are stone or concrete; Door to have wrought iron grille; Rear terrace to have cable railing. The board finds the application appropriate as submitted with the above notations, and based on submittal items listed in inspectors review.

Conclusions of Law:

1. Having no further comment by the public, the public hearing is closed on a motion by Member McManus, seconded by Member Mathews and is approved by a vote of 4 -0.
2. The Architectural Review Board has considered the factors set forth in Section 5.15C of the Village Law of NY State as follows:
Whether the development or alteration is: A. In harmony with the existing design and architecture of the Village; B. Is so detrimental to the surrounding area due to 1. Excessive similarity or dissimilarity to other nearby structures; 2. Inappropriateness of design.
3. The board concludes that the proposed alteration is in harmony with the existing design and architecture of the Village and is not detrimental to the surrounding area.
4. On a motion by Member McManus, seconded by Member Holley, the board finds that the application be approved by a vote of 4-0.

Application 2: 263 Main Street. Bart Rodi for Rockland County Action Coalition Housing. Site Plan application to demolish existing building and construct a 33 Dwelling Unit three story residential building.

Building Inspector Comments: APPLICATION WITHDRAWN

Proposal is to demolish single story structure and construct a three story multifamily apartment building with parking below ground. Property is in both the DMU (Main Street) and TFR (Depew Avenue) zoning districts, with the rear of the building encroaching into the TFR 25'+/-. An area variance will be required from Article II VON 360-2.2C which states: "**Lots in two or more districts.** Where a single lot is divided by one or more district boundary lines, the regulations for the less restrictive portion of such lots shall not extend into the more restricted portion of the lot."

An area variance will be required for 9 Efficiency Units of 450 sq. ft. from Article III VON§360 4.1360-3.2A (1) (b) which allows dwelling units in Mixed-use dwellings (which this is not) to be 450 sq. ft.:

Mixed-use dwelling: "The minimum habitable floor area in an efficiency dwelling unit shall be 450 square feet and 600 square feet for a one-bedroom dwelling unit."

An area variance will be required from Article IV VON§360-4.3 Dimensional Standards Table 4-1, footnotes (g) and (k) which requires a 15' rear yard building setback from an adjacent residential zone (TFR).

With a density of 50 units per acre and a ½ acre parcel of land 25 Dwelling Units are permitted by right. The applicant proposes to implement green infrastructure incentives which will bring the number of permitted DU's to the requested 33.

PARKING: A variance will be required for 2 parking spaces, where 43 spaces are required and 41 are proposed.

Applicant has withdrawn and did not appear.

Application 3: 104 Jackson Avenue. Eric Caoli. Site Plan application to place two storage containers in rear yard along with existing shed and recommendation to Zoning Board of Appeals.

Building Inspector Review:

Property is in the TFR Zoning District.

Per Article III VON§360-3.2E(1)(a)(b)(c)[1]&[2](h) the following applies:

Accessory building or structure:

(a) Accessory buildings and structures shall be compatible in design with the principal building and shall be designed to fit in with the existing development pattern in a neighborhood and overall character of the area.

(b) The Architectural Review Board shall review the design of accessory buildings and structures for design compatibility within the area of visual impact, except for garden or storage sheds less than 140 square feet in area.

[Amended 5-26-2011 by L.L. No. 6-2011]

(c) An accessory building may be located in any required side or rear yard, provided that:

[1] Such buildings shall be set back three feet from any lot line and, if separated from the principal building, it shall not be located less than five feet from said principal building.

[2] All such buildings in the aggregate shall not occupy more than 30% of the area of the required rear and side yards in which it is located.

(h) No accessory building in a residential zoning district shall exceed 7% of the maximum building coverage.

396 sq. ft. of accessory structures are permitted. 511 sq.ft. is currently on the property, including existing shed, two 8'x20' storage containers and one 6'x9' portable storage container. Footnote (h) limits size of accessory structures in a residential zoning district to 7% of maximum building coverage-which I calculate to be 1176 sq. ft. 7% of that figure would permit an accessory structure to be no larger than 82 sq. ft. in size. At 160 sq. ft. the two 8'x20' storage containers are twice the permitted size.

Except for the existing shed, I would consider the other units to be storage containers rather than storage sheds not compatible with the above requirements. Additionally, the container located to the east is not only not the required 3' from the east property line, it is on the stone wall on the neighbors' property according to information contained on submitted survey and accompanying Photos. Variances will be required dependent upon the disposition of this board. At this point an area variance will be required for accessory structures greater in total square footage than permitted, storage containers greater in size than permitted, a structure less than 3' from property line and a structure less than 5' from the principal building.

The applicant is currently operating his business from this address based on a June 30, 2008 variance permitting the parking of two commercial vehicles greater than ½ ton in a residential district.

Board Review Based Upon:

1. The application dated 10/6/14;
2. Building Inspector review;
3. Testimony of Eric Caoli, applicant;
4. ARB members knowledge of the site;
5. Site visits by members;
6. Letters signed by neighbors submitted by applicant.

7. No testimony from the public present.

Board Findings and Conclusions:

The board notes the following items discussed and reviewed:

1. The Building Inspector does not recognize the two containers as storage sheds. ARB members agree with inspector's determination.
2. Applicant presents letters with signatures from adjacent neighbors stating no objection to storage. The applicant notes that the neighbors feel the storage containers are an improvement to building materials stored openly in the yard. The board responds that the applicant did not present to the neighbors the option of an actual storage shed similar to the existing shed. The existing shed is considered appropriate by the board. The storage containers appear industrial and are deemed to have inappropriateness of design.
3. The board notes the area excesses stated in the Building Inspector review and also that one container is on neighbor's property. The containers occupy much of the rear yard and are highly visible to neighbors.
4. The board finds the proposed containers to have inappropriateness of design and to be excessively dissimilar to surrounding area.

Conclusions of Law:

1. Having no further comment by the public, the public hearing is closed on a motion by Member Mathews, seconded by Member McManus and is approved by a vote of 4 -0.
2. The Architectural Review Board has considered the factors set forth in Section 5.15C of the Village Law of NY State as follows:
Whether the development or alteration is: A. In harmony with the existing design and architecture of the Village; B. Is so detrimental to the surrounding area due to 1. Excessive similarity or dissimilarity to other nearby structures; 2. Inappropriateness of design.
3. The board concludes that due to inappropriateness of design and excessive dissimilarity the proposed alteration is not in harmony with the existing design and architecture of the Village and is detrimental to the surrounding area.
4. On a motion by Member McManus, seconded by Member Mathews, the board finds that the application be denied and the board makes a negative recommendation to the PB and ZBA. Approved by a vote of 4-0.

Application 4: 67 Main Street. Michelle Bernardi for "Nettle & Hive". Application for a perpendicular sign, ground floor window sign and flag sign.

Building Inspector Review: Property is in DMU Overlay Zoning District. Flag sign is permitted in addition to other signs which the zoning code allows. All signs comply with the Zoning Code.

Board Review Based Upon:

1. The application dated 11/14/2014,
2. Building Inspector review;
3. Testimony of Michele Bernardi;
4. ARB members knowledge of the site;
5. Site visits by members;
6. No testimony from the public.

Board Findings and Conclusions:

1. Board finds the application appropriate as submitted.

Conclusions of Law:

1. Having no further comment by the public, the public hearing is closed on a motion by Member McManus seconded by Member Holley, approved by a vote of 4-0.

2. The Architectural Review Board has considered the factors set forth in Section 5.15C of the Village Law of NY State as follows:
Whether the development or alteration is: A. In harmony with the existing design and architecture of the Village; B. Is so detrimental to the surrounding area due to 1. Excessive similarity or dissimilarity to other nearby structures; 2. Inappropriateness of design.
3. The board concludes that the proposed alteration is in harmony with the existing design and architecture of the Village and is not detrimental to the surrounding area.
4. On a motion by Member Mathews, seconded by Member Holley, the board finds that the application be approved as submitted with the following recommendation: that the signage on the recessed door be lowered to be pedestrian friendly.
Approved by a vote of 4-0.

Application 5: 95 Main Street. Jennifer O'Connor for "Kiam Record Shop". Application for a ground floor window sign to be placed on entrance door.

Inspector Review: Property is in DMU Zoning District. Proposal complies with zoning regulations.

Board Review Based Upon:

1. The application dated 11/21/2014,
2. Building Inspector review;
3. Testimony of applicant;
4. ARB members knowledge of the site;
5. Site visits by members;
6. There was no testimony from the public.

Board Findings and Conclusions:

1. Board finds the application appropriate as submitted.

Conclusions of Law:

1. Having no further comment by the public, the public hearing is closed on a motion by Member McManus seconded by Member Holley, approved by a vote of 4-0
2. The Architectural Review Board has considered the factors set forth in Section 5.15C of the Village Law of NY State as follows:
Whether the development or alteration is: A. In harmony with the existing design and architecture of the Village; B. Is so detrimental to the surrounding area due to 1. Excessive similarity or dissimilarity to other nearby structures; 2. Inappropriateness of design.
3. The board concludes that the proposed alteration is in harmony with the existing design and architecture of the Village and is not detrimental to the surrounding area.
4. On a motion by Member Holley, seconded by Member Mathews, the board finds that the application be approved as submitted.
Approved by a vote of 4-0

Application 6: 14 South Franklin Street. Earnestine Dawson for "Earnestine's Beauty Spot".

Application for a perpendicular sign facing Franklin Street.

Inspector Review: Property is in DMU Zoning District. Proposal complies with zoning requirements.

Board Review Based Upon:

1. The application dated 11/21/2014,
2. Building Inspector review;
2. Testimony of Keith Smith, contractor for the applicant;

3. ARB members knowledge of the site;
4. Site visits by members;
5. No testimony from the public.

Board Findings and Conclusions:

1. Applicant's rep. notes that the sign will sit below the wood molding. Photoshop drawing indicates it incorrectly.
2. Board finds the application appropriate as submitted.

Conclusions of Law:

1. Having no further comment by the public, the public hearing is closed on a motion by Member McManus seconded by Member Mathews, approved by a vote of 4-0.
2. The Architectural Review Board has considered the factors set forth in Section 5.15C of the Village Law of NY State as follows:
Whether the development or alteration is: A. In harmony with the existing design and architecture of the Village; B. Is so detrimental to the surrounding area due to 1. Excessive similarity or dissimilarity to other nearby structures; 2. Inappropriateness of design.
3. The board concludes that the proposed alteration with condition is in harmony with existing design and architecture of the Village and is not detrimental to the surrounding area.
4. On a motion by Member Mathews, seconded by Member McManus, the board finds that the application be approved as submitted with following condition: The finish of the sign will be matte.
Approved by a vote of 4-0.

Application 7: 45 Route 59. Jeffrey Tognetti for Catalyst Trade & VC, LLD. Site Plan application for demolition of existing structure and construction of new building, and recommendation to Planning Board for demolition.

Inspector Review: Property is in CC Zoning District. Proposal to demolish complies with zoning regulations. Depiction of proposed construction included for comment. Future construction will require area variances for minimum lot size and required rear yard.

Board Review Based Upon:

1. The application dates 11/21/14 and drawings dated 10/17/2014;
2. Building Inspector review;
3. Testimony of George Lopez, architect; John Adsel, engineer; and Jeff Tognetti, applicant;
4. ARB members knowledge of the site;
5. Site visits by members;
6. No testimony from the public.

Board Findings and Conclusions:

1. Board expresses concern for demolition of an antique Victorian residential structure. Applicants team noted that the structure was in poor condition; was not financially feasible to restore; structure is situated close to route 59 and creates difficult and dangerous entry and egress. Member McManus asks if existing building could be relocated as it is a Victorian residential building with details. Applicant responded that building is in poor condition; is not financially feasible to sell and relocate, but would salvage as many items as possible from the building.
2. The board discussed and noted that although the building is an antique structure with good features, it is no longer in harmony with the highly altered surrounding area buildings. Demolition appears warranted.
3. Board discussed the preliminary drawings for the proposed building and noted the following:
 - A. The proposed building is sited with the rear elevation very visible to the stores and restaurants behind. The rear property is partially behind the applicants lot, therefore very

visible. The rear elevation is visible to the entrance of the restaurant behind and has no fenestrations. Board requested that windows and plantings be considered for the rear elevation.

- B. Front elevation- Proportions of inset panels below cornice at top of upper story appear to be inappropriate scale to remainder of façade. Board recommends that inset panel band be reduced in height and that panels do not mimic windows below, but be double width of windows as shown in center panel.
- C. Windows in second story of front façade appear as different architectural period than the traditional paneling and moldings above. Applicant should consider different window type and spacing to make upper story more harmonious. As indicated for reference throughout village - ground floor storefronts on historic buildings have large expanses of glass combined with historic elements above.
- D. Board expressed concern with building visually being set so far back from street-line. Applicant noted that building is sited that way to include required parking. Precedents exist for other visually preferable new building siting such as the recently constructed McDonalds.

Conclusions of Law:

Board will render conclusions on demolition only. Proposed building review is preliminary only and will remain open.

Regarding the application for demolition only:

- 1. Having no further comment by the public, the public hearing is closed on a motion by Member McManus, seconded by Member Holley, approved by a vote of 4-0.
- 2. The Architectural Review Board has considered the factors set forth in Section 5.15C of the Village Law of NY State:

Whether the development or alteration is: A. In harmony with the existing design and architecture of the Village; B. Is so detrimental to the surrounding area due to 1. Excessive similarity or dissimilarity to other nearby structures; 2. Inappropriateness of design.

- 3. The board concludes that the proposed demolition is not detrimental to the surrounding area.
- 4. On a motion by Member McManus, seconded by Member Mathews, the Board finds that the application for demolition be approved with a recommendation to the ZBA to be especially attentive to the required rear yard variance, and to the Planning Board to be especially attentive to the visibility and proximity of the rear building to the building behind.

Approved by a vote of 4-0.

Application 8: 2-6 North Midland Avenue. Barry Terach for Joseph Lagana. Application to demolish existing building and recommendation to Planning Board.

Building Inspector Review: Property is in the DMU Zoning District. Proposal complies with zoning regulations. Copy of deed submitted. Awaiting shutoff notification letters for gas and electric from Orange and Rockland Utilities and water shutoff from Nyack Water Department.

Board Review Based Upon:

- 1. The application dated 11/21/2014,
- 2. Building Inspector review;
- 3. Testimony of Joe Ceva, representative for applicant;
- 4. ARB members knowledge of the site;
- 5. Site visits by members;
- 6. No testimony from the public.

Board Findings and Conclusions:

- 1. Board finds the application for demolition appropriate as submitted.

Conclusions of Law:

1. Having no further comment by the public, the public hearing is closed on a motion by Member McManus seconded by Member Holley, approved by a vote of 4-0.
 2. The Architectural Review Board has considered the factors set forth in Section 5.15C of the Village Law of NY State as follows:
Whether the development or alteration is: A. In harmony with the existing design and architecture of the Village; B. Is so detrimental to the surrounding area due to 1. Excessive similarity or dissimilarity to other nearby structures; 2. Inappropriateness of design.
 5. The board concludes that the proposed demolition is not detrimental to the surrounding area.
 6. On a motion by Member Mathews, seconded by Member Holley, the board finds that the application be approved as submitted.
- Approved by a vote of 4-0.

The meeting adjourned at 8:45.

Eileen Kuster-Collins, Chairperson