

Members Present:

Peter Klose (Chairman)
Daniel Jean-Gilles
Glen E. Keene
Peter Voletsky

Also Present:

Don Yacopino, Building Inspector
Bob Galvin—Village Planner (present)

Absent: Alan Englander,

Other Business: A motion was made by Chairman Klose, seconded by Member Voletsky, to accept the November 12, 2013 Minutes. Passed 4-0.

1. 23 First Avenue. Kier Levesque for Fred and Nancy Blaker Weber. *Site plan application for a one story addition to the east of existing kitchen and a second floor bedroom addition over existing kitchen.*

Building Inspector-- The following existing dimensional and developmental standards are nonconforming: lot area of 3,600sqft where 5,000sqft is required; lot width of 40ft where 50ft is required; minimum side yard of 0.3ft where 5ft is required; rear yard of 17.58ft where 27ft is required. Per Article I VON § 360-1.9E Nonconforming buildings. The alteration, enlargement or horizontal extension of a building that is nonconforming with respect to dimensional and development standards, as specified in Article IV of this chapter, shall require a variance from the Zoning Board of Appeals. The increase in the height of a wall or roof that is nonconforming is prohibited. An area variance is required from Article I VON§360-1.9E Table 4-1 for these nonconforming dimensional standards and variances for the increase in height of the south and west walls, nonconforming due to setback requirements.

Applicant-- Explained that all of the adjoining homes have similar front steps and porches and that the character of the neighborhood would not be impacted by this slight improvement - despite the fact that it was a pre-existing non-conforming use. Planning Board members did not find any significant impacts on the character of the neighborhood, the sight lines of neighbors and it appeared to constitute only a slight variance of the existing condition. The ARB-- had no issues. Adjoining homes are all non-conforming as they are all too close to the side yards. Front yards and porches all seem to line up. The intent of the building is a single family dwelling. It appears that there are no sight lines impacted by the proposal. All of the additions and porches in the rear line up and this modification will not impact sight lines. The porches on nearby houses across the street are of similar size. All lighting to be downward facing and no spillover onto neighboring properties.

PUBLIC COMMENT -- NONE

Board Proposed action is duly noted Type II Action under SEQRA, therefore it is not subject to SEQRA review and analysis. Mr. Klose moves to close the Public Hearing (Second by Mr. Englander) Vote 4-0.

Resolutions-- The Planning Board makes a positive recommendation to the ZBA to grant an *area variance from Article I VON§360-1.9E for alterations to a building that is nonconforming to above referenced dimensional standards on the condition that house remain a Single Family Residence as that term is defined by the Zoning Code.*

The Planning Board makes a positive recommendation to the ZBA with regard to the nonconforming 3,600 sq/ft where 5,000 sq/ft is required; lot width of 40 ft where 50 ft is required; minimum side yard of 0.3 ft where 5 ft is required and a rear yard of 17.58 ft where 27 ft is required. Second Jean-Gilles -- Positive Recommendation to the ZBA- 4-0.

With respect to Site Plan, Chairman Klose offers motion to approve the application for the plans, as drawn, conditioned upon applicant's compliance with any reasonable conditions of the ZBA and ARB and all lighting is downward facing. Second Englander-- Vote- 4-0.

2. 197 North Midland Avenue. Adam Tracey and Tracy Tracey. Site Plan application to alter site with removal of impermeable asphalt pavement and the installation of permeable pavers, grass and trees. Except for the fire pit the proposal complies with zoning ordinance.

Building Inspector-- *There will be a reduction in non-permeable surface of approximately 1700 sq. ft. It is unclear whether the hot tub exists or is to be installed. Per the following Village Code section, all outdoor fires are prohibited.*

Nyack Village Code Section 196 – 18 Outdoor Fires A. Outdoor fires include all fires burning outdoors with the exception of fires used to cook food in approved and/or recognized grills or stoves. All outdoor fires are prohibited with the exception of live burn drills conducted by the Fire Department, fires for religious purposes or for other purposes as specifically approved by the Fire Inspector. Prior approval from the Rockland County Health Department and a permit from the Fire Inspector are required for all outdoor fires. Any other person, firm or corporation starting, maintaining or having control over an outdoor fire would be in violation of this code.

Applicant-- The project will be limited and staged, applicant in furtherance of their application for approval to improve rear yard, has withdrawn any mention or request for the outdoor fire pit. Applicant agrees as a condition of approval that no Fire Pit will be included in future plans/applications, and the reference to the firepit is accordingly stricken from any prior or current filed plans. The Board noted that the project appears to be a wonderful addition to this property with the reduction of pervious surface.

Public Comment-- NONE

Board --Duly noted Type II Action for SEQRA, therefore, action is exempt from SEQRA review and analysis. Klose moves to Close Public Hearing (Second by englander) Vote 4-0.

Resolution-- With respect to Site Plan approval, motion by Klose to approve the Site Plan drawings dated with the caveat that the Applicant shall not install a backyard fire pit, and shall comply with reasonable restrictions imposed by the ARB and the Building Department, subject to the obligation of the applicant to return, if two cars are going to be parked in the driveway. Second by Peter Voletsky Vote 4-0.

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OTHER BUSINESS

Motion to adjourn by Chairman Klose, seconded by member Voletsky. Vote 4-0. Meeting adjourned at 8:45 pm.