

Members Present:

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

Also Present:

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

Absent: 0

Other Business: A motion was made by Chairman Klose, seconded by Member Keene, to accept the May 6, 2013 Minutes. Passed 5-0. Voletsky second -- Approved 5-0.

- 1. 30 Fourth Avenue. Kier Levesque for Sakina Jaffrey and Frank Wilkinson. Site plan application for a one story addition and deck and recommendation to Zoning Board of Appeals for required variances. Property is in TFR Zoning District.**

Building Inspector--*Per Article I VON§360-1.9E, the alteration, enlargement or horizontal extension of a building that is nonconforming with respect to dimensional and developmental standards shall require a variance from Zoning Board of Appeals. Pre-existing front yard of 11.3 ft. where 17.2 ft. is required, minimum side yard width of 4.4 ft. where 6 ft. is required and building height of 2.5 stories where 2 stories are permitted are nonconforming with respect to dimensional and developmental standards of Article IV VON§360-4.3, Table 4-1 and require an area variance from ZBA. Additionally, an area variances is required from Article IV VON-360-4.3 Table 4-1 for a rear yard of 16.33 ft. where 25.8 ft. is required. Architect will supply infiltration trench calculations.*

Kier Levesque-- one story addition to the rear deck-- house is non-conforming-- ARB asked to set the side yard-- conforming to side yard.-- There are only two rooms on main living floor-- the idea for the addition-- begun five (5) years ago-- ZBA--must approve the area variances.

Nothing overly significant from the perspective of the Planning Department's review of the neighborhood, size, characteristics of the proposed addition, which seems reasonable in terms of parking, screening, site lines, and other Planning issues.

Neighborhood a mix of houses on the Village -- cottages-- this is typical to the street-- some of the properties go all the way back to the Ackerman Place-Northeast Corner-- townhouses-- south side of the street all tight to the street and porches are less than five feet to the property line.

Easement for an old abandoned street-- storm water mitigation has been addressed by the Architect -- added 191 cubic feet of water storage-- linear dry well-- 50 percent is stone -- 400 cubic feet of additional stormwater-- with a t-y-- storm water will spill out onto the yard.

Revised drawings -Type 2 action under SEQRA

Public-- None

BOARD-- Member Klose moves (Second by Voletsky.) to make a positive recommendation to the ZBA to grant the requested (1) Pre-existing front yard of 11.3 ft. where 17.2 ft. is required, (2) minimum side yard width of 4.4 ft. where 6 ft. is required; (3) building height of 2.5 stories where 2 stories are permitted are nonconforming with respect to dimensional and developmental standards of Article IV VON§360-4.3, Table 4-1; and (4) a rear yard of 16.33 ft. where 25.8 ft. is required; Vote to recommend the requested variance, subject to the conditions above stated or other reasonable conditions to be imposed by the building department, ZBA and ARB. All exterior lighting to be down facing, with no spill over to adjoining properties. Approved. VOTE 5-0.

Klose moves to accept (second by Voletsky) Site Plan dated 4-29-13 (revision 2)-- approved all exterior lighting down facing and subject to reasonable conditions imposed by the ZBA and ARB. Approved. VOTE 5-0. .

2. 16 Depew Avenue. Robert Silarski for Ira Spiegel. Site plan application for a rear yard addition and recommendation to Zoning Board of Appeals. Property is in TFR Zoning District. This is a corner property with two front yards.

Building Inspector-- *Per Article I VON§360-1.9E, the alteration, enlargement or horizontal extension of a building that is nonconforming with respect to dimensional and developmental standards shall require a variance from Zoning Board of Appeals. Pre-existing front yard of 5 ft.(south) and 4.2 ft. (west) where 18 ft. is required, minimum lot size of 3834 sq. ft. where 5000 sq. ft. is required and minimum lot width of 41.6 ft. where 50 ft. is required are nonconforming with respect to dimensional and developmental standards of Article IV VON§360-4.3, Table 4-1 and require an area variance from ZBA.*

Again, this neighborhood composed largely of small houses close to the street-- all located close to the street-- all of the houses on the street are close the side yards. No complaints from neighbors - ARB approval with no conditions.

Nothing overly significant from the perspective of the Planning Department's review of the neighborhood, size, characteristics of the proposed addition, which seems reasonable in terms of parking, screening, site lines, and other Planning issues. Type 2 SEQRA- No action required.

Public-- NONE

BOARD-- Member Klose moves (Second by Keene) to make a positive recommendation to the ZBA to grant the requested (1) Pre-existing front yard of 5 ft.(south) and 4.2 ft. (west) where 18 ft. is required, (2) minimum lot size of 3834 sq. ft. where 5,000 sq. ft. is required and (3) minimum lot width of 41.6 ft. where 50 ft. is required are nonconforming with respect to dimensional. Approved. VOTE 5-0-- Vote to recommend the requested variance, subject to the conditions above stated, and any reasonable conditions imposed by the ARB or ZBA.

Klose moves to accept (second by Englander) Site Plan dated 5-17-13-- approved all exterior lighting down facing and subject to reasonable conditions imposed by the ZBA and ARB. VOTE-- 5-0.

3. 87 Piermont Avenue. Ivan-Rudolph Shabinsky for Yacktown, LLC. Site plan application to construct a retaining wall/stairs structure in rear yard to allow safe access to water level. Property is in TFR Zoning District.

Building Inspector--*Applicant will supply updated site plan information identifying Base Flood Elevation, 100 year flood elevation as well as high tide elevations. A narrative has been supplied indicating permit requirements, if any, from Army Corps of Engineers and DEC. Village Engineer indicates information is accurate and the permit process can proceed. As designed, several variances will be required. Design engineer indicates his desire to make changes which will bring the project into zoning code compliance but has not yet submitted those changes.*

Member Klose Recuses from this Application.

Applicant represented by the Landscape Architect-- She had no new plans to submit, and requested decisions based upon the plans submitted. In addition to the plans, there is a Letter from Engineer-- Village Engineer and BlueShore Engineering-- property not a wetland; not freshwater regulation, not on the 1974 Tidal wetland area, no permits required from the Army Corps of Engineers. NO additional permits required.

Landscaping-- -- provided existing panorama-- simplified the plans-- landscape architect-- landing -- enlarged landing to 24 feet in diameter--Fringe on the edge of the property-- walls are all below six feet in height-- make walkway five feet wide --if they needed Existing walkway between old house and the VFW property (American Legion) -- however that is not on their property. Dashed lines on the property lines-- superimposed over the property line-- the old walkway-- not available to the Applicant. Looking to construct a retaining wall for the various walkway to provide access from the Piermont Avenue to the river level.

Building Inspector would like at least Five feet separation of the walls -- south side is within five (5) feet away from the edge of the property line-- does not want a solid run of steps-- internal landing-- sufficient to turn around the boats. Type 2 action for SEQRA--

Drainage-- contacted the Village Engineer-- and USA Corps of Engineering-- no permits necessary. Letter satisfied the requirements. Can supply the Board with the Village Engineer comments.

The DEC does not have jurisdiction-- as per the fact that it is south of the Bridge and per the letter obtained and submitted by BlueShore Engineering

There has been some confusion concerning whether ZBA approval is necessary because the Architect is able to comply with all recommendations of the Building Department and does not want to have to seek a variance. For example, if the Building Department required the walkways to be lower or to move them away from the edge of the property, then no additional action by ZBA would be necessary. Applicant to work with the Building Department to ensure that the retaining walls are more than five (5) feet apart.

Public-- Adjoining neighbor --Jim Wilcox-- objections to the size and scope of the project, but admits he had not had the opportunity to review the plans and understand the situation. Applicant and Architect explained that the plans were for retaining walls, and should have no impact on adjoining property. Neighbors concerned about the potential use of the path ways Applicant showed-- the issue-- nothing commercial as far as the use-- that use was to be for private access to the water with retaining walls to hold back the storm damaged hillside. By the end of the meeting, the objections had been addressed.

BOARD-- Applicant requests that the Board make a positive recommendation to the ZBA if the Building Department requires a variance, however, no variance may be required if the Building Department can work with the Architect and accept the plans dated 2013-05-13.

With respect to approvals, Voletsky (seconded by Keene) moves to have a positive recommendation for a five foot variance (if needed) as reflected in the plans dated 5-10-2013 and 5-15-13 and C-101 and SK-1, subject to the Applicant complying with the Building Inspector's interpretation that the retaining walls be more than five (5) feet apart. In addition, so long as the building inspector issues have been approved by the Building Department and such revised plans are acceptable to the Applicant and Inspector, the Planning Board issues Site Plan Approval. [Vote 4-0-- Klose recuses].

4. 97 Sixth Avenue. Michael Meth. Application for tree removal. Property is in SFR-1 Zoning District. Information from arborist enclosed.

Applicant did not appear at the meeting-- however the Building Inspector identified the subject tree as damaged. Letter from Ron Cook Arborist -- dated -5-16-2013-- Confirmed that the applicant should remove the tree. Type II action for SEQRA.

Public-- NONE

BOARD-- Member Klose Moves (Second by Englander) to approve the tree removal, and grant approvals based upon all of the documentation and under the terms and conditions subject to the following recommendations and restrictions- one oak tree to be removed. (VOTE-- Approved 5-0).

5. 16 Central Avenue. Agafia L. Jachno. Application for tree removal. Property is in TFR Zoning District. Information from arborist enclosed.

Type II Action for SEQRA Dana Prinz-- neighbor -- has a very big Oak Tree in her yard-- ants came out-- Date of a letter -- May 10, 2013 O'Sullivan Tree-- no proposed mitigation. Split right from the base-- these types of trees dangerous -- Village Building Inspector.

Public-- NONE

BOARD-- Member Klose Moves (Second by Englander) to approve Site Plan, and grant approvals based upon all of the documentation and under the terms and conditions subject to the following recommendations and restrictions- one oak tree to be removed. (VOTE-- Approved 5-0).